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Marquess of Ailsa.

THOMAS WILDE.

WITHDRAWN
FROM STOCK

THE

PARLIAMENTARY

OR

CONSTITUTIONAL

History of England,

From the earliest TIMES,

TO THE

Restoration of King CHARLES II.

COLLECTED

From the RECORDS, the ROLLS of Parliament, the JOURNALS of both Houses, the Public LIBRARIES, Original MANUSCRIPTS, scarce SPEECHES, and TRACTS; all compared with the several Contemporary Writers, and connected, throughout, with the History of the Times.

By SEVERAL HANDS.

THE SECOND EDITION.

IN TWENTY-FOUR VOLUMES.

VOL. V.

From the Accession of King *James* I. to the Twenty-first Year of his Reign.

LONDON,

Printed for J. and R. TONSON, and A. MILLAR, in the *Strand*; and W. SANDBY, in *Fleet-street*.

M DCC LXIII.

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THE

PARLIAMENTARY HISTORY

OF

ENGLAND.

AFTER the Death of the laſt Queen, *James* King of *Scotland*, the Sixth of that Name, ſucceeded to the *Engliſh* Crown. In this Prince did center all the Hereditary Titles that were ever made to that Diadem; and, it is obſervable that this Claim was contrary to an Act of Parliament, which, impowered King *Henry* VIII. in Failure of all his own Iſſue, to ſettle the Crown on whom he pleaſed by his laſt Will (*a*). In Purſuance of which he bequeathed it to the Iſſue of his younger Siſter *Mary*, the *French* Queen, afterwards married to *Charles Brandon*, Duke of *Suffolk*. Queen *Elizabeth* might therefore have fixed the Succeſſion, no Doubt, excluſive of the *Scotch* Line; but ſhe was too juſt a Princeſs to do, or ſuffer it to be done: Nor did the *Suffolk* Family ever think fit to make any Stir about their Claim. Indeed, it would have given a much deeper Stain to the greateſt Blemiſh

The Acceſſion of King James I.

(*a*) See Vol. III. p. 196.

An. 1 James I. 1603. of the late Reign; not only to deſtroy the Mother, but diſinherit her whole Poſterity. On the contrary, by her dying Words, ſhe left her Kingdom to her neareſt Kinſman *James*; and, on her Demiſe, he was immediately proclaimed King of *England*, *Scotland*, *&c.* with the uſual Ceremonies.

The new King made his Progreſs from one Capital to the other, with all convenient Expedition; and, on the 25th of *July*, *St. James's* Day, *Anno* 1603, this King and his Queen, *Anne* of *Denmark*, were crowned at *Weſtminſter*, with great Solemnity.

To leſſen the Joy that might then be felt by both the *Scotch* and *Engliſh* Nations on this happy Union, a dreadful Plague broke out in *London* this Year; which, in a ſhort Space, carried off from that City and its Confines, above Thirty Thouſand People. This infectious Diſtemper prevented the King and Council in their Intentions of calling a Parliament, ſo ſoon as it was uſual on a new Acceſſion; and, it was not till the Beginning of the next Year that the Writs were ſent out for ſummoning one to meet at *Weſtminſter*, on the 19th of *March*, ſtill in the firſt Year of this Reign. But, at the ſame Time, a Proclamation came out, containing ſome Injunctions for electing Members in the Houſe of Commons, which, though unuſual, preſcribes a Method, which we think not unworthy of being followed in this, or any ſucceeding Parliament.

Mr. *Rapin* tells us (*b*), That this King openly avowed, 'That the Privileges of this Nation and Parliament were ſo many Uſurpations, or at beſt, but revocable Conceſſions of the Crown; and that he had formed a Deſign, to free both himſelf and Succeſſors, from the Reſtraint which the Laws, Cuſtoms, and Privileges of the *Engliſh* Nation had laid upon his Predeceſſors. In the firſt Parliament he called, he takes upon him to preſcribe what Sort of Members ſhould be elected, both in the Writs, and in the Proclamation; not by way of Exhortation, as former Kings had done, but by way of Command,

(*b*) *Rapin's* Hiſt. of *England*, Vol. II. p. 163. Fol. Edit.

Command, and as Conditions without which they should not be admitted into the House.' An. 1 James I. 1603.

The Whole of this Assertion is borrowed from a Work entitled, *A Detection of the Court and State of* England, *during the four last Reigns, and the* Inter-Regnum, by *Roger Coke*, Esq. (*c*). This Author goes further than even *Rapin* thinks fit to copy; for he boldly tells us, 'That there never was such a Prelude to the Meeting of a Parliament, by any of the Kings of *England*, either of *Saxon*, *Danish*, *Norman*, or *British* Race.' These Parliamentary Enquiries do prove this to be false; by several Instances of Instructions for influencing Elections, before this Time, much more open than this before us. Particularly, so late as the Reign of King *Edward* VI. when, besides Instructions for chusing a new Parliament, the King sent Letters to the Sheriffs, and actually named the very Men they were to elect (*d*).

To prove *Coke's* Assertion, that Author hath given us a short Abstract, from a long Proclamation for calling this Parliament; but, how unfairly quoted, will best be seen by publishing the Whole of it from the *Collection of Public Acts*. From whence, it will plainly appear to every impartial Reader, that it contains nothing but wholesome Admonitions to the People of *England*, to elect such Members as were most likely to serve them. It is well known that one Paragraph picked out of a Book, or other Writing, may be much prevaricated; like several Texts of Scripture, which, without the Context, may be turned into Blasphemy. But, we submit the whole to the Reader's Judgment, in its own Language and Orthography; observing that the Part *Coke* and *Rapin* only make use of, is particularly marked in *Italics*, to shew the Integrity of those Historians.

(*c*) Three Vols. 8vo, *London*, 1694, Vol. I. p. 34.
(*d*) See the Letters Mandatory of *Edward* VI. and *Mary*, in our Third Vol. p. 265, and 311.

An. 1 James I. 1603. *The King's* PROCLAMATION *touching the* PARLIAMENT (*e*).

The King's Proclamation for calling a Parliament.

'WEE have before this Tyme made known to our Subjects uppon dyvers Occaſions, 'that we have receaved ſo great Contentment in 'their generall Conformity and Submiſſion to all 'ſuch Courſes as might beſt eſtabliſh the Poſſeſ- 'ſion of this Crowne, according to the Right of 'our Succeſſion, as it would ever nouriſh in us 'an earneſt Deſire to ſhew our ſelves carefull in 'all Things to preſerve their greateſt Affection and 'to anſwere that Expectation, which by their joy- 'full Manner of Receaving Us Wee perceave 'they had conceaved of our Government, where- 'of as We well knowe that Princes cannot yield 'more generall, more cleare or profitable Proof 'to their People, then by redreſſing Abuſes 'wherewith they fynde their Subjects juſtlie griev- 'ed, either in Conſtitution or Adminiſtration of 'their Laws in beeing, or by ſeeking to eſtabliſh 'newe Laws for them agreeable to the Rules of 'Juſtice, whenſoever Tyme doth diſcover any 'Defectes in the former Policy, or when Acci- 'dents in the State of any Commonwealth re- 'quier newe Ordinaunces; ſo ſeeyng both theſe 'Things, which are of ſoe greate Moment in a 'State, have accuſtomed to be conſidered and or- 'dered, as in this, ſoe in other well governed 'Commonwealthes, by a lawfull Aſſemblie of the 'three Eſtates of the Realme, commonly called 'the Parliament, wee were deſirous to have ſum- 'moned them long ſince for that Purpoſe, if the 'Infection, reygning in the Citie of *London* and 'other Places of our Kingdome would have per- 'mitted the Concourſe of ſoe great a Multitude 'into one Place as that Aſſemblie muſt neceſſarlie 'brynge with it; which great Contagion being 'nowe, by the Goodneſs of God, abated, and 'likelie, as We hope, to be ſhortly quite extin- 'guiſhed in and about the ſaid Citie, We have 'reſolved

(*e*) *Rymer's Fœdera*, Tom. XVI. p. 561.

'reſolved to hold a Parliament at our Citie of *Weſtminſter*, as ſoon as We ſhall find that the ſame may be done without the Perill aforeſaid; in which, as God knows that We have nothing to propound for Satisfaction of any private Deſier or particular Profit of our own, but meerly and only to conſult and reſolve with our loving Subjects of all thoſe Things which may beſt eſtabliſh the Publicke Good, with the Generall Safety and Tranquillity of this Realme, on which it had pleaſed God to multiply ſoe many Bleſſings; ſo to the Intent that this Aſſemblie of oure Parliament, being grounded uppon ſo ſyncere an Intent on oure Parte, may be matched with a like Integrytie on theirs, and as it is the firſt in our Reigne, ſo to be founde not only worthy of the high Title it beareth to be the higheſt Councell of the Kingdome, but alſo to be a Preſident for hereafter of the true Uſe of Parliaments, Wee have bethought our ſelfe of as many Waies and Meanes as may be, to prevent thoſe Inconveniences, which daylie riſe and multiply by the perverting of thoſe auncient good Orders which were deviſed, by the Wiſdome of former Times, to be obſerved in Calling of Parliaments; Amongſt which, becauſe there is no one Poynte of greater Conſequence then the well choſying of Knights and Burgeſſes, whoe as they doe preſent the Bodie of the thirde Eſtate; ſoe, being eligible by Multitude, there are often many unfitt Perſons appoynted for that Service, and where it is ſoe well knowne to every private Man of Wit and Judgment, much more to Us who have had ſoe longe Experience of Kingly Government, how ill Effectes doe followe, when ſuch as have to doe in Matters of Commonwealth ſhall come to that greate and Common Councell, with others then publick Myndes, ſincere, and void of any factious Humour or Dependency. An. 1 James I. 1603.

'Wee doe hereby ſtraightly charge and admoniſh all Perſons intereſſed in the Choice of

An. 1 James I. 1603. ‘ Knightes for the Shires, firſt, That the Knights ‘ for the County be ſelected oute of the principall ‘ Knightes or Gentlemen of ſufficient Ability ‘ within that County wherein they are choſen; ‘ and for the Burgeſſes, that Choice be made of ‘ Men of Sufficiency and Diſcretion, without any ‘ partiall Reſpects or factious Combynation, which ‘ alwaies breede Suſpicions that more Care is ta- ‘ ken to compaſſe private Endes then to provide ‘ for making good and wholeſome Laws for the ‘ Realme; and becauſe it is noe more poſſible to ‘ drawe ſounde Councelles and Reſolutions from ‘ inconſiderate or inſufficient Spirites, then to have ‘ a ſounde or healthfull Bodie compoſed of weak ‘ and imperfect Members; Wee ſoe likewiſe ad- ‘ monyſhe all Perſons to whome it doth apper- ‘ teyne, that ſeeyng the Dealynge in Cauſes of ‘ Parliament requires Conveniency of Years and ‘ Experience, there may be great Heed taken, by ‘ all thoſe that will be accompted Lovers of their ‘ Countrie, that both Knights and Burgeſſes ‘ may be choſen accordingly, without Deſier in ‘ any particular Men to pleaſe Parents or Friends ‘ that often ſpeak for their Children or Kyn, ‘ though they be very young and little hable to ‘ diſcerne what Laws are fyt to bynde a Com- ‘ monwealth; To the Conſultation whereof thoſe ‘ Perſons ſhould be ſelected Principallie, of whoſe ‘ Gravity and modeſt Converſation Men are likeſt ‘ generally to conceave beſt Opynion. Next and ‘ above all Thinges conſiderying, that one of the ‘ mayne Pillers of this Eſtate is the Preſervation of ‘ Unity in the Profeſſion of ſincere Religion of ‘ Almighty God, Wee doe alſo admonyſhe that ‘ there be great Care taken to avoyde the Choice ‘ of any Perſons, either noted for their ſuperſtitious ‘ Blyndneſs one Way, or for their turbulent Hu- ‘ mours other Waies, becauſe their diſorderly and ‘ unquiete Spirites will diſturbe all the diſcreete ‘ and modeſt Proceeding in that greateſt and graveſt ‘ Councell.’

‘ Fur-

'Further, Wee doe commaunde, that an ex- An. 1 James I.
'preſſe Care be had that there be not choſen any 1603.
'Perſon Banqueruptes or outelawed, but Men
'of known good Behaviour and ſufficient Liveli-
'hood, and ſuch as are not onely taxed to the
'Payment of Subſidies and other like Charges,
'but alſo have ordinarily paid and ſatisfied the
'ſame, nothing being more abſurd in any Com-
'monwealth than to permytt thoſe to have free
'Voyces for Law making, by whoſe owne Actes
'they are exempted from the Law's Protection.
'Next that all Sheriffs be charged that they
'doe not direct any Precept for electyng and re-
'turning of any Burgeſſes to or for any auncient
'Borough Town within their Counties, beyng
'ſoe utterly ruyned and decayed that there are not
'ſufficient Reſyantes to make ſuch Choice, and of
'whome lawfull Election may be made; alſo to
'charge all Cities and Boroughes, and the Inhabi-
'tantes of the ſame, that none of them ſeale any
'Blankes, referryng or leaving to any other to
'inſert the Names of any Citizens or Burgeſſes
'to ſerve for any ſuch Cittie or Borough, but doe
'make open and free Election according to the
'Lawe, and ſett down the Names of the Perſons
'whom they chooſe before they ſeale the Certi-
'ficate.'

'Furthermore, *Wee notifye by theſe Preſentes,*
'*that all Retornes and Certificates of Knightes, Citi-*
'*zens, and Burgeſſes oughte and are to be brought to*
'*the* Chauncery, *and there to be fyled of Record;*
'*and if any ſhall be founde to be made contrarie to*
'*this Proclamation, the ſame is to be rejected as un-*
'*lawfull and inſufficient, and the Cittie or Borough*
'*to be fyned for the ſame; and if it be founde that*
'*they have commytted any groſſe or willfull Default*
'*and Contempt in their Election, Retorne or Certifi-*
'*cate, that then their Liberties, according to the*
'*Lawe, are to be ſeized into oure Handes as for-*
'*feited; and if any Perſon take upon him the Place*
'*of a Knight, Citizen, or Burgeſſe, not being duely*
'*Elected, Retorned and Sworne, according to the*

An. 1 James I. 1603.

'*Laws and Statutes in that Behalfe provided, and according to the Purport, Effect, and true Meaning of this oure Proclamation*; *then every Perſon ſoe offending, to be fyned and impriſoned for the ſame.*'

'Wee doe alſo hereby give warning to the Lordes and others that are to ſerve in this Parliament, to have ſpeciall Care, as they tender our Diſpleaſure, that they admytt none to have the Name or Countenance of their Servaunts and Attendantes during the Parliament, thereby to be priviledged, ſeying ſuch Queſtions of Priviledges have in Tymes paſt conſumed a great Part of the Tyme appointed for the Parliament, whereby the Service of the Realme hath bene hyndered, and the Subjects drawne to great Charges and Expences by attendyng much longer than otherwiſe needed.

'Having at this Tyme bene the more carefull to ſet downe a particular Order and Forewarnyng for preventing of theſe ſeverall Abuſes aforementioned, that thereby there may ariſe, at that publick and ſolemne Meeting, ſuch a comely Proportion and laudable Sympathie between the honourable, juſte and neceſſarie Lawes that are to be made and eſtabliſhed at this Parliament, and the commendable Diſcretion, with all other wiſe and vertuous Qualities, meete for ſuch Perſons as are to be the Members and Aſſiſters of Us in ſoe honorable, lawfull, and neceſſarie an Action, as may put us and all our good Subjects in a ſuer Expectation of a happie Iſſue to followe thereupon; Wee doubt not but theſe our Directions, thus made manifeſt, ſhall be duely obſerved accordyng to the important Conſequence thereof, and the Perill of oure heavye Diſpleaſure to all thoſe that ſhall offende in the contrarie.'

Given at our Honour of *Hampton Courte*, the Eleventhe Day of *Januarie*.

Per ipſum Regem.

It must be owned by every impartial Reader, that these were noble Injunctions, and, if rightly followed, will always be the Means to have a free and independent Parliament. What Success they had in the Choice of the Members, then elected by the Writs sent out along with the Proclamation, will best appear by their Conduct in the Sequel. We have recovered from a Manuscript of the same Age, the Names of all the Members of the House of Commons who sat in this Parliament: And, as it hath hitherto been customary for us to give the State of the Peerage, at the Beginning of every Reign; so here we think proper to subjoin to it the Names of all those Gentlemen, who then constituted the Lower House of Parliament. An. 1 James I. 1603.

The Names and Titles of all the Temporal Lords, called, by Writ, to the first Parliament of King James I. *(f)*

The first Writ was directed to Sir *Thomas Egerton*, Knt. Lord *Ellesmere*, a little Time before, made Lord High-Chancellor of *England (g)*.

THOMAS, Earl of *Dorset*, Lord High-Treasurer.
William, Marq. of *Winchester*, Lord Great-Chamberlain.
Edward, E. of *Worcester*, Earl-Marshal.
Charles, E. of *Nottingham*, Lord High-Admiral, and High-Steward.
Thomas, E. of *Suffolk*, Chamberlain of the Household.
Henry, E. of *Northumberland.*
Gilbert, E. of *Shrewsbury.*
William, E. of *Derby.*
Henry, E. of *Kent.*
Roger, E. of *Rutland.*
George, E. of *Cumberland.*
Robert, E. of *Sussex.*
George, E. of *Huntingdon.*
William, E. of *Bath.*
Henry, E. of *Southampton.*
Edward, E. of *Bedford.*
William, E. of *Pembroke.*
Henry, E. of *Lincoln.*
Charles, E. of *Devon.*
Hen. E. of *Northampton.*
Thomas, State of the Peerage.

(f) Dugdale's Summons to Parliament; —— But the List there being very faulty, the Errors are corrected by the *Lord's Journals.*

(g) The Head of the *Bridgewater* Family. —— In *Dugdale's Baronage*, Vol. II. he is called Lord-Keeper.

An. 1 James I. 1603.

Thomas, E. of *Exeter*.
Philip, E. of *Montgomerie*.
Thomas, E. of *Arundel*.
Anthony, Viſc. *Montague*.
Thomas, Viſc. *Howard*, of *Byndon*.
George Tuchet, L. *Audley*.
Edward Zouch, L. *Zouch*.
Thomas Weſt, L. *Delaware*.
Henry Berkly, L. *Berkley*.
Edward Parker, L. *Morley*.
Edward Stafford, L. *Stafford*.
Thomas, L. *Scrope* of *Bolton*.
Edward Sutton, L. *Dudley*.
John Lumley, L. *Lumley*.
Edward Stourton, L. *Stourton*.
Henry, L. *Herbert*, eldeſt Son to the Earl of *Worceſter*.
John Darcie, L. *Darcie*, of *Menell*.
William Parker, L. *Montegle*, eldeſt Son to L. *Morley*.
William, L. *Sandys*, of *Vyne*.
Henry, L. *Windſor*.
Henry, L. *Mordaunt*.
Edward, L. *Cromwel*.
Ralph, L. *Evers*.
Philip, L. *Wharton* of *Wharton*.
Robert, L. *Riche*.
Cuthbert Ogle, L. *Ogle*.
Tho. Cecil, L. *Burghley*.
Charles, L. *Willoughby*, of *Parham*.
Edmond, L. *Sheffield*.
Thomas, L. *Darcie*, of *Chiche*.
William, L. *Howard*, of *Effingham*, eldeſt Son to the E. of *Nottingham*.
William, L. *Chandois*, of *Sudeley*.
John Carye, L. *Hunſden*.
Oliver, L. *St. John*, of *Bletſo*.
William, L. *Compton*.
Francis, L. *Norris*, of *Rycot*.
Robert, L. *Cecil*, of *Eſſingdon*, Principal-Secretary of State.
Robert, L. *Sidney*, of *Penſhurſt*.
William, L. *Knollys*, of *Grays*.
Edward, L. *Wotton*, of *Marley*.
Francis, L. *Ruſſel*, of *Thornhaugh*.
Henry, L. *Grey*, of *Groby*.
John, L. *Petre*, of *Writtle*.
John, L. *Harrington*, of *Eaton*.
Henry, L. *Danvers*, of *Dantſey*.
Thomas, L. *Gerard*, of *Gerard's Bromley*.
Robert, L. *Spenſer*, of *Wormleyton*.
Richard Fynes, L. *Say* and *Sele*.

John,

John, L. *Stanhope*, of *Harrington*.
Thomas, L. *Arundel*, of *Warder*.
William, L. *Cavendiſh*, of *Hardwick*.
Francis, L. *North*, of *Kirtling*.
Edward, L. *Nevile*, of *Bergavenny*.
Theophilus, L. *Howard*, of *Walden*, eldeſt Son to the E. of *Suffolk*.
Edward, L. *Denney*, of *Waltham*.
George, L. *Carew*, of *Clopton*.
Thomas, L. *Clinton*, of *Say*, eldeſt Son to the E. of *Lincoln*.

An. 1 James I. 1603.

The *Names* of all the Members of the *Houſe* of *Commons*, returned to ſerve in Parliament the 1ſt of *James* I. *Anno* 1603. with the Places they ſerved for (*f*).

BEDFORDSHIRE.
OLIVER St John, Eſq.
Sir *Edward Radcliffe*, Knt.
Bedford T.
Sir *Chriſt. Hatton*, Knt.
Thomas Hawes, Gent.

BUCKS.
Sir *Francis Goodwyn*, Knt.
Sir *Wil. Fleetwood*, Knt.
Buckingham T.
Sir *Thomas Denton*, Knt.
Sir *Edward Terrels*, Knt.
Wiccombe B.
Sir *John Townſhend*, Knt.
Henry Fleetwood, Eſq.
Ayleſbury B.
Sir *William Burlace*, Knt.
Sir *William Smith*, Knt.

BERKS.
Sir *Henry Nevile*, Knt.
Sir *Francis Knollis*, Knt.
New-Windſor B.
Samuel Barkhouſe, Eſq.
Sir *Francis Howard*, Knt.
Reading B.
Sir *Jeroninus Bowes*, Knt.
Francis Moore, Eſq.
Wallingford B.
Sir *William Dunch*, Knt.
Chriſtopher Payne, Gent.
Abington B.
Sir *Richard Lovelace*, Knt.

List of the Houſe of Commons.

CORNWALL.
Sir *Wil. Godolphin*, Knt.
Sir *Anthony Rowſe*, Knt.
Dunhivid, alias *Launceſton*, B.
Sir *Thomas Lake*, Knt.
Ambroſe

(*f*) The Manuſcript is in *Latin*, and bears this Title. *Nomina Militum Comitatuum, Civium Civitatum, et Burgenſium Villarum, ſive Burgorum, ac Baronum quinque Portuum, veniendorum ad Parliamentum, ſummonitum apud Civitatem Weſtmonaſterij, decimo nono Die Martij, Anno Regis* Jacobi, Angliæ, Franciæ, *et* Hiberniæ *primo, et* Scotiæ *triceſime ſeptimo*, 1603.
EDWARDUS PHELLIPS *Miles*, Prolocutor.

An. 1 James I. 1603.

Ambroſe Rowſe, Eſq.
Leſkard B.
Sir *Wil. Killegrew*, Knt.
Reginald Nichols, Eſq.
Leſtwithiel B.
Sir *Tho. Chaloner*, Knt.
Sir *Wil. Lower*, Knt.
Truro B.
Thomas Burgeſs, Eſq.
Henry Coſſen, Eſq.
Bodmyn B.
John Stone, Gent.
Richard Spray, Gent.
Helſton B.
Sir *John Leigh*, Knt.
Robert Nanton, Eſq.
Saltaſh B.
Sir *Rob. Mainwood*, Knt.
Thomas Pyvel, Gent.
Camelford B.
John Good, Eſq.
Anthony Turpin, Gent.
Portpigham, alias
Weſtlowe B.
Sir *William Wade*, Knt.
Sir *Henry Goodyer*, Knt.
Grampound B.
Sir *Fran. Barnham*, Knt.
William Noye, Eſq.
Eaſtlowe B.
Sir *Robert Philips*, Knt.
Sir *John Parker*, Knt.
Penryn B.
Sir *Edward Conway*, Knt.
Sir *Wil. Maynard*, Knt.
Tregoney B.
Henry Pomeroy, Eſq.
Richard Carvoigh, Gent.
Boſſiney B.
Sir *Jeronimus Horſey*, Knt.
George Calvert, Eſq.
St. Ives B.
William Brook, Eſq.
John Tregenna, Gent.
Fowey B.
Francis Vivian, Eſq.
Henry Peeter, Gent.
St. Germains B.
Sir *George Carew*, Knt.
John Trott, Gent.
Michel B.
William Carpe, Eſq.
William Hackwill, Eſq.
Newport B.
Sir *Edward Seymor*, Knt.
Sir *Rob. Killegrewe*, Knt.
St. Mawes B.
Sir *John Specott*, Knt.
Dudley Charlton, Eſq.
Kellington B.
William Rolle, Gent.
Sir *Rog. Wilbraham*, Knt.

CUMBERLAND.
William Lawſon, Eſq.
Edward Muſgrave, Eſq.
Carliſle C.
Thomas Blenerhaſſet, Eſq.
William Barwick, Eſq.

CAMBRIDGESHIRE.
Sir *John Peyton*, Knt.
Sir *John Cuttes*, Knt.
Cambridge T.
Robert Wallys, Alderman.
John Yaxley, Alderman.
Cambridge-Univerſity.
Nicholas Stiward, LL.D.
Henry Mowtelow, LL.D.

CHESHIRE.
Sir *Thomas Holcroft*, Knt.
Sir *Roger Aſtone*, Knt.
Cheſter

An. 1 James I. 1603.

Cheſter C.
Thomas Gamul, Eſq.
Hugh Glaſier, Eſq.

DERBYSHIRE.
Sir *John Harpur*, Knt.
William Knytton, Eſq.
Derby T.
John Baxter, Gent.
Edward Sleighe, Gent.

DEVONSHIRE.
Sir *John Ackland*, Knt.
Edward Seymor, Eſq.
Exeter C.
George Smith, Eſq.
John Prowze, Gent.
Totneſs B.
Chriſt. Brooking, Merch.
Walter Dottyn, Merch.
Plymouth B.
Sir *Rich. Hawkins*, Knt.
James Bagge, Gent.
Barneſtaple B.
Thomas Hinſon, Eſq.
George Peard, Gent.
Plimpton B.
Sir *William Strood*, Knt.
Warwick Heale, Gent.
Taviſtoke B.
Sir *George Fleetwood*, Knt.
Edw. Duncombe, Gent.
Dartmouth, *Clifton*, *Hardneſs*, B.
Thomas Holland, Gent.
Thomas Gurney, Gent.
Borealſton B.
Humphry May, Eſq.
Sir *Richard Strode*, Knt.

DORSETSHIRE.
Sir *Thomas Freake*, Knt.
John Williams, Eſq.
Pole T.
Edward Man, Gent.
Thomas Roberts, Merch.
Dorcheſter B.
Matthew Chrobbe, Gent.
John Spicer, Gent.
Lyme B.
Sir *Francis Ruſſel*, Knt.
George Jefferye, Eſq.
Weymouth B.
Tho. Barefoote, Mayor.
Sir *John Hannam*, Knt.
Melcombe-Regis B.
Robert White, Alderman.
Robert Middleton, Merch.
Britport B.
Sir *Robert Miller*, Knt.
John Pitt, Gent.
Shaftſbury B.
Robert Hopton, Eſq.
John Boden, Gent.
Corfe-Caſtle B.
Sir *John Hobarte*, Knt.
Edw. Duncombe, Gent.

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Sir *Fran. Barrington*, Kt.
Colcheſter B.
Robert Barker, Eſq.
Edward Alford, Eſq.
Malden B.
Sir *Robert Rich*, Knt.
Sir *John James*, Knt.
Harwich B.
John Panton, Eſq.
Thomas Trever, Eſq.

GLOUCESTERSHIRE.
Sir *Thomas Berkeley*, Knt.
John Throgmorton, Eſq.
Tewkeſbury B.
Sir *Dudley Diggs*, Knt.

Edward

An. 1 James I. 1603.

Edward Ferrers, Gent.
Glouceſter C.
Nicholas Overbury, Eſq.
John Jones, Eſq.
Cirenceſter B.
Arnold Oldſworth, Eſq.
Sir *Anthony Maney*, Knt.

HUNTINGDONSHIRE.
Sir *Oliver Cromwel*, Knt.
Sir *Robert Cotton*, Knt.
Huntingdon T.
Sir *Henry Cromwel*, Knt.
Thomas Hetley, Eſq.

HERTFORDSHIRE.
Sir *Henry Carey*, Knt.
Rowland Lytton, Eſq.
St. Albans B.
Sir *Thomas Parry*, Knt.
Sir *Henry Helmes*, Knt.

HEREFORDSHIRE.
Sir *Jam. Scudamore*, Knt.
Sir *Herbert Crofte*, Knt.
Hereford C.
Anthony Pembridge, Eſq.
John Hoſkins, Eſq.
Lempſter B.
Thomas Coningſby, Eſq.
John Powle, Gent.

KENT.
Sir *John Scot*, Knt.
Sir *John Lewſon*, Knt.
Canterbury C.
Sir *John Boyes*, Knt.
Mathew Hadd, Eſq.
Rocheſter C.
Sir *Edward Hobby*, Knt.
Sir *Tho. Walſingham*, Knt.
Maydſton B.
Sir *Francis Fane*, Knt.
Lawr. Waſhington, Eſq.
Quinburgh.
Richard Wright, Gent.
Sir *Michael Sandys*, Knt.

LINCOLNSHIRE.
Thomas, L. *Clinton* and *Saye.*
John Sheffield, Eſq.
Lincoln C.
Sir *Tho. Grantham*, Knt.
Sir *Edw. Tyrwhite*, Knt.
Boſton B.
Anthony Irbie, Eſq.
Francis Bullingham, Eſq.
Great-Grimſby B.
Sir *George St Poole*, Knt.
Sir *William Wraye*, Knt.
Stanford B.
Henry Hall, Eſq.
Sir *Edward Cecil*, Knt.
Grantham B.
Sir *George Manners*, Knt.
Sir *Tho. Horſeman*, Knt.

LEICESTERSHIRE.
Sir *Tho. Beaumont*, Knt.
Sir *Baſil Brooke*, Knt.
Leiceſter T.
Sir *Wil. Skipwith*, Knt.
Sir *Wil. Herryche*, Knt.

LANCASHIRE.
Sir *Rich. Molleyneux*, Kt.
Sir *Rich. Houghton*, Knt.
Lancaſter B.
Sir *Tho. Howard*, Knt.
Thomas Fanſhawe, Eſq.
Preſton B.
Sir *Vincent Skynner*, Knt.
William Holte, Eſq.
Liverpool B.
Giles Brooke, Alderman.
Tho. Reintheinge, Gent.

Newton

Newton B.
Sir *John Luke*, Knt.
Richard Aſhton, Gent.
Wigan B.
Sir *William Crooke*, Knt.
Sir *John Poultney*, Knt.
Clithero B.
Sir *John Dorner*, Knt.
Martin Lyſter, Eſq.

MIDDLESEX.
Sir *Wil. Fleetwood*, Knt.
Sir *Robert Wroth*, Knt.
Weſtminſter C.
Sir *Walter Cope*, Knt.
Sir *Julius Cæſar*, Knt.
London C.
Sir *Thomas Lowe*, Knt.
Sir *Hen. Montague*, Knt.
Richard Fuller, Eſq.
Richard Gore, Merchant.

MONMOUTHSHIRE.
Sir *Tho. Somerſet*, Knt.
Sir *John Herbert*, Knt.
Monmouth T.
Sir *Robert Johnſon*, Knt.

NORTHAMPTONSHIRE.
Sir *Edw. Montague*, Knt.
Sir *Valentine Knightly*, Kt.
Peterborough C.
Sir *Richard Cecil*, Knt.
Edw. Wymarke, Gent.
Northampton T.
Henry Yelverton, Eſq.
Edward Mercer, Gent.
Brackley B.
Sir *Richard Spencer*, Knt.
William Lyle, Gent.
Higham-Ferrars B.
Sir *Goddard Pemberton*, Knt.

NOTTINGHAMSHIRE. An. 1 James I. 1603.
Sir *John Hollis*, Knt.
Sir *Percival Willoughby*, Knt.
Nottingham T.
Richard Hurte, Alderm.
Anker Jackſon, Alderm.
Eaſt-Retford B.
Sir *John Thornhagh*, Knt.
Sir *Thomas Darrel*, Knt.

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Sir *Nathan. Bacon*, Knt.
Sir *Char. Cornwallis*, Knt.
Norwich C.
Sir *Henry Hobarte*, Knt.
John Pettus, Eſq.
Lynne-Regis T.
Thomas Oxborough, Eſq.
Robert Hitcham, Eſq.
Great-Yarmouth T.
Thomas Damatts, Gent.
John Wheeler, Gent.
Thetford B.
Sir *Wil. Twiſſenden*, Knt.
Sir *Wil. Paddye*, Knt.
Caſtle-Ryſing B.
Sir *Tho. Mountjoy*, Knt.
Sir *Rob. Townſhend*, Knt.

NORTHUMBERLAND.
Sir *Ralph Grey*, Knt.
Sir *Hen. Widdrington*, Kt.
Newcaſtle on *Tyne* T.
Sir *George Selbye*, Knt.
Henry Chapman, Eſq.
Morpeth B.
Sir *Chriſt. Perkins*, Knt.
John Hare, Eſq.
Berwick T.
Sir *William Selbye*, Knt.
Chriſt. Perkinſon, Eſq.

Ox-

An. 1 James I. 1603.

OXFORDSHIRE.
Sir *Anthony Cope*, Knt.
John Doyley, Esq.
Oxford C.
Sir *Francis Leighe*, Knt.
Thomas Wentworth, Esq.
Oxford-University.
Daniel Dun, LL.D.
William Byrd, LL.D.
Woodstock B.
Thomas Spencer, Esq.
Robert Whitlock, Esq.
Banbury, B.
Sir *William Cope*, Knt.

RUTLANDSHIRE.
Sir *Jam. Harrington*, Kt.
Sir *Wil. Bulstrode*, Knt.

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Sir *William Moore*, Knt.
Sir *Edw. Bowyer*, Knt.
Southwark B.
Sir *George Rivers*, Knt.
William Mahewe, Gent.
Blechingleigh B.
Sir *John Trever*, Knt.
Richard Bellingham, Esq.
Rigatt B.
Sir *Edw. Howard*, Knt.
Herbert Pelham, Esq.
Guilford B.
Sir *George Moore*, Knt.
George Auten, Gent.
Gatton B.
Sir *Thomas Gresham*, Knt.
Sir *Nicholas Saunders*, Kt.
Haselmere B.
Sir *Edw. Frank*, Knt.
William Jackson, Esq.

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Sir *Edw. Littleton*, Knt.
Sir *John Egerton*, Knt.
Litchfield C.
Anthony Dyott, Esq.
Thomas Crewe, Esq.
Stafford B.
George Cradock, Esq.
Arthur Ingram, Esq.
Newcastle under *Line.*
Sir *Walt. Chetwind*, Knt.
Rowland Cotton, Gent.
Tamworth B.
Sir *Tho. Beaumont*, Knt.
Sir *John Ferrers*, Knt.

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Sir *Roger Gwin*, Knt.
Sir *Rob. Needham*, Knt.
Shrewsbury T.
Richard Barker, Esq.
Frances Tate, Esq.
Bridgenorth B.
Sir *Lodwick Lewknor*, Kt.
Ludlowe B.
Robert Berrye, Esq.
Richard Fisher, Gent.
Great-Wendlock.
Robert Lawley, Gent.
George Lawley, Gent.
Bishop's-Castle T.
William Twynehoe, Esq.
Samuel Lewknor, Esq.

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Sir *Rob. Oxenbridge*, Knt.
Sir *Wil. Jephson*, Knt.
Winchester C.
Sir *John Moor*, Knt.
Edward Cooke, Alderm.
Southampton T.
Sir *Tho. Fleminge*, Knt.
Sir *John Jefferies*, Knt.
Portsmouth T.
John Corbett, Esq.

Richard

Richard Jenvye, Gent.
Yarmouth B.
Thomas Cheek, Esq.
Arthur Bromfield, Gent.
Petersfield B.
Sir *William Harvye*, Knt.
Sir *Wil. Kingsewell*, Knt.
Newport B.
Richard James, Esq.
John Ashtell, Esq.
Stockbridge B.
Sir *Wil. Forteſcue*, Knt.
Sir *Edwin Sandys*, Knt.
Newton B.
Thomas Wilson, Gent.
William Mervis, Gent.
Chriſt-Church B.
Richard Martin, Esq.
Nicholas Hide, Esq.
Whitchurch B.
Sir *Rich. Pawlett*, Knt.
Thomas Brookes, Gent.
Lymington B.
Thomas Marſhal, Gent.
Thomas South, Gent.
Andover B.
Sir *Tho. Jermyn*, Knt.
Thomas Antrobus, Gent.

SUFFOLK.
Sir *John Higham*, Knt.
Sir *Robert Drury*, Knt.
Ipſwich T.
Sir *Henry Glenham*, Knt.
Sir *Francis Bacon*, Knt.
Dunwich B.
Sir *Thomas Smith*, Knt.
Peter Gaudy, Esq.
Orford B.
Sir *Mich. Stanhope*, Knt.
Sir *Wil. Cornwallis*, Kt.

Aldborough B.
Sir *Wil. Woodhouſe*, Knt.
Thomas Rivett, Esq.
Sudborough B.
Sir *Tho. Beckingham*, Knt.
Tho. Eden, jun. Gent.
Eye B.
Sir *Hen. Buckingham*, Kt.
Sir *John Kaye*, Knt.

SOMERSETSHIRE.
Sir *Fran. Haſtings*, Knt.
Sir *Edw. Phellips*, Knt.
Briſtol C.
John Whitſton, Merch.
Thomas James, Merch.
Bath C.
Wil. Sherſtone, Alderm.
Chriſt. Stone, Esq.
Welles C.
Edward Forcett, Esq.
Jacob Keiton, Esq.
Taunton B.
Edward Hexte, Esq.
John Bond, Gent.
Bridgewater B.
Nichol. Haſſelmere, Gent.
John Povey, Esq.
Mynhead B.
Ambroſe Purvill, Gent.
Sir *Maurice Berkeley*, Kt.

SUSSEX.
Sir *Charles Howard*, Knt.
Henry Carey, Esq.
Chicheſter C.
Adrian Stoughton, Esq.
Sir *John Morley*, Knt.
Horſham B.
Sir *John Dodridge*, Knt.
Sir *Mich. Hixe*, Knt.

An. 1 James I. 1603.

Midhurſt B.
Francis Nevile, Eſq.
Sir *Richard Weſton*, Knt.
Lewes B.
Henry Nevile, Eſq.
John Shirley, Serjeant at Law.
Shoreham B.
Sir *Barn. Whitſtones*, Kt.
Sir *Hugh Beeſton*, Knt.
Steyning B.
Sir *Thomas Shirley*, Knt.
Sir *Thomas Biſhop*, Knt.
Eaſt-Grinſtead B.
Sir *Henry Crompton*, Knt.
Sir *John Swinerton*, Knt.
Arundel B.
Thomas Preſton, Eſq.
John Tye, Eſq.

WESTMORLAND.
Sir *Tho. Strickland*, Knt.
Sir *Rich. Muſgrave*, Knt.
Appleby B.
Sir *John Morris*, Knt.
Sir *Wil. Bowyer*, Knt.

WILTSHIRE.
Sir *Francis Popham*, Knt.
Sir *Walter Vaughan*, Knt.
New-Sarum C.
Giles Tooker, Eſq.
Richard Godfrey, Gent.
Wilton B.
Sir *Tho. Edmonds*, Knt.
Thomas Morgan, Eſq.
Downton B.
Sir *Carew Raleigh*, Knt.
William Stockman, Gent.
Hindon B.
Sir *Edw. Ludlowe*, Knt.
Thomas Thynne, Eſq.
Heiteſbury B.
Sir *William Eyer*, Knt.
Walter Gawen, Gent.
Weſtbury B.
Sir *James Ley*, Knt.
Matthew Lee, Eſq.
Calne B.
Sir *Edward Carey*, Knt.
John Nois, Eſq.
Devizes B.
Sir *Henry Bainton*, Knt.
Robert Drue, Gent.
Chippenham B.
John Hungerford, Eſq.
John Roberts, Gent.
Malmeſbury B.
Sir *Roger Dallyſon*, Knt.
Sir *Tho. Dallyſon*, Knt.
Cricklade B.
Sir *John Hungerford*, Kt.
Sir *Henry Pool*, Knt.
Great-Bedwyn B.
John Rodney, Eſq.
Anthony Hungerford, Eſq.
Ludgerſhal B.
James Kirton, Eſq.
Henry Ludlowe, Gent.
Old-Sarum B.
Wil. Ravenſcroft, Eſq.
Edward Leache, Eſq.
Wotton-Baſſet B.
Henry Martin, Eſq.
Alexander Tutt, Eſq.
Marlbrough B.
Lawrence Hide, Eſq.
Richard Digge, Eſq.

WORCESTERSHIRE.
Sir *Henry Bromley*, Knt.
Samuel Sandys, Eſq.

Wor-

An. 1 James I. 1603.

Worceſter C.
John Cowther, Gent.
Rowland Berkley, Eſq.
Droitwich B.
George Wild, Eſq.
John Brace, Eſq.
Eveſham B.
Sir *Thomas Biggs*, Knt.
Edward Salter, Eſq.
Bewdley B.
Richard Young, Eſq.

WARWICKSHIRE.
Sir *Edw. Grevile*, Knt.
Sir *Rich. Verney*, Knt.
Coventry C.
Henry Breeres, Eſq.
Sir *John Harrington*, Kt.
Warwick B.
John Townſhend, Gent.
William Spicer, Gent.

YORKSHIRE.
Sir *John Savile* of *Hewley*, Knt.
Sir *Rich. Gargrave*, Knt.
York C.
Robert Aſkwith, Alderm.
Chriſt. Brooke, Eſq.
Kingſton upon *Hull* T.
John Edmonds, Merch.
Joſeph Field, Merch.
Knareſburgh B.
Sir *Hen. Slingſby*, Knt.
Sir *Wil. Slingſby*, Knt.
Scarbrough B.
Francis Emrye, Eſq.
Sir *Thomas Poſthumus Hobby*, Kent.
Rippon B.
Sir *John Mallory*, Knt.
Sir *John Bennet*, Knt.
Richmond B.
Talbot Bowes, Eſq.
Richard Percivall, Eſq.
Heiden B.
Sir *Chriſt. Hildyard*, Kt.
Burrowbrigg B.
Sir *Henry Jenkins*, Knt.
Sir *Tho. Vavaſor*, Knt.
Thurſk B.
Sir *Edward Swift*, Knt.
Tim. Whittingham, Eſq.
Aldburgh B.
Sir *Edw. Sheffield*, Knt.
Sir *Henry Savile*, Knt.
Beverley T.
Alan Piercey, Eſq.
William Gee, Eſq.

Barons of the PORTS.
Haſtings.
Sir *Edward Hales*, Knt.
James Laſker, Gent.
Winchelſea.
Adam White, Gent.
Thomas Unton, Gent.
Rye.
John Younge, Gent.
Heneage Finch, Eſq.
Rumney.
Sir *Rob. Remington*, Knt.
John Plommer, Gent.
Hieth.
Chriſt. Talderby, Eſq.
Sir *Norton Knatchbull*, Knt.
Sandwich.
Sir *George Fane*, Knt.
John Griffith, Eſq.
Dover.
Sir *Thomas Waller*, Knt.
George Binge, Gent.

An. 1 James I. 1603.

WALES.

ANGLESEY.
Sir *Rich. Bulkley*, Knt.
Beaumaris B.
William Jones, Esq.

BRECON.
Sir *Robert Knowles*, Knt.
Brecon T.
Sir *Henry Williams*, Knt.

CARDIGAN.
John Lewis, Esq.
Cardigan T.
William Bradshaw, Esq.

CARMARTHEN.
Sir *Robert Maunsel*, Knt.
Carmarthen T.
Sir *Walter Rice*, Knt.

CARNARVON.
Sir *William Maurice*, Kt.
Carnarvon T.
Clement Edmonds, Esq.

DENBIGH.
Peter Matton, Esq.
Denbigh T.
Hugh Middleton, Esq.

FLINT.
Roger Puleston, Esq.
Flint T.
Roger Brereton, Esq.

GLAMORGAN.
Sir *Thomas Maunsel*, Kt.
Cardiff T.
Mathew Davies, Gent.

MERIONETH.
Sir *Edw. Herbert*, Knt.

MONTGOMERY.
Sir *Wil. Herbert*, Knt.
Montgomery T.
Edward Whittingham, Gent.

PEMBROKE.
Alan Stepneth, Esq.
Pembroke T.
Richard Cunye, Esq.
Haverford-West T.
Sir *James Perrot*, Knt.

RADNOR.
James Price, Esq.
Radnor T.
Sir *Robert Harley*, Knt.

Anno Regni 1, 1603. At Westminster.

On the 19th Day of *March* 1603, which was still within the first Year of this Reign, the Parliament met at *Westminster*. The King came in a Chariot of Estate; Prince *Henry*, with all the Lords Spiritual and Temporal, according to ancient Custom, rode on Horse-back from *Whitehall* to *Westminster*, in their Parliament-Robes. When the King being seated on the Throne, it pleased his Majesty, in Person, to declare the Cause of the Summons to the two Houses, in the following Speech.

My

My Lords of the Higher Houſe, and You Knights and Burgeſſes of the Lower, An. 1 James I. 1603.

'IT did no ſooner pleaſe God to lighten his Hand, and relent the Violence of his devouring Angel againſt the poor People of this City, but as ſoon did I reſolve to call this Parliament, and that for three chief and principal Reaſons. The King's Speech to His firſt Parliament.

'The firſt whereof is (and which of itſelf, tho' there were no more, is not only a ſufficient, but a moſt full and neceſſary Ground and Reaſon for convening of this Aſſembly) the firſt Reaſon, I ſay, is, That you who are here preſently aſſembled to repreſent the Body of this whole Kingdom, and of all Sorts of People within the ſame, may with your own Ears hear, and that I out of my own Mouth may deliver unto you, the Aſſurance of my due Thankfulneſs for your ſo joyful and general Applauſe, to the declaring and receiving me in this Seat (which God, by my Birth-Right, and lineal Deſcent, had, in the Fulneſs of Time, provided for me) and that immediately after it pleaſed God to call your late Sovereign, of famous Memory, full of Days, but fuller of immortal Trophies of Honour, out of this tranſitory Life. Not that I am able to expreſs by Words, or utter by Eloquence, the vive Image of mine inward Thankfulneſs; but only that out of my own Mouth, you may reſt aſſured to expect that Meaſure of Thankfulneſs at my Hands, which is according to the Infiniteneſs of your Deſerts, and to my Inclination and Ability, for Requital of the ſame. Shall I ever, nay, can I ever be able, or rather ſo unable in Memory, as to forget your unexpected Readineſs and Alacrity, your ever-memorable Reſolution, and your moſt wonderful Conjunction and Harmony of your Hearts, in declaring and embracing me as your undoubted and lawful King and Governor? Or ſhall it ever be blotted out of my Mind, how at my firſt Entry into this Kingdom, the People of all Sorts rid and ran, nay, rather flew to meet me? Their Eyes flam-

An. 1 James I. 1603.

'ing nothing but Sparkles of Affection, their 'Mouths and Tongues uttering nothing but Sounds 'of Joy; their Hands, Feet, and all the reſt of 'their Members in their Geſtures, diſcovering a 'paſſionate Longing, and Earneſtneſs to meet and 'embrace their new Sovereign. *Quid ergo retri-'buam?* Shall I allow in myſelf that which I 'could never bear with in another? No, I muſt 'plainly and freely confeſs here, in all your Audi-'ences, that I did ever naturally ſo far miſlike a 'Tongue too ſmooth, and diligent in paying their 'Creditors, with Lip-Payment and verbal Thanks, 'as I ever ſuſpected that Sort of People meant 'not to pay their Debts in more ſubſtantial Sort 'of Coin. And therefore for expreſſing of my 'Thankfulneſs, I muſt reſort unto the other two 'Reaſons of my convening of this Parliament, 'by them in Action to utter my Thankfulneſs: 'Both the ſaid Reaſons having but one Ground, 'which is the Deeds whereby all the Days of my 'Life, I am, by God's Grace, to expreſs my ſaid 'Thankfulneſs towards you, but divided in this; 'That in the firſt of theſe two, mine Actions of 'Thanks are ſo inſeparably conjoined with my 'Perſon, as they are in a Manner become indivi-'dually annexed to the ſame. In the other Rea-'ſon, mine Actions are ſuch, as I may either do 'them, or leave them undone, tho', by God's Grace, 'I hope never to be weary of the doing them.

'As to the firſt, it is the Bleſſings which God 'hath, in my Perſon, beſtowed upon you all, 'wherein I proteſt, I do more glory at the ſame for 'your Weal, than for any parti ular reſpect of my 'own Reputation or Advantage therein.

'The firſt then of the Bleſſings, which God 'hath jointly with my Perſon ſent unto you, is 'outward Peace; that is, Peace Abroad with all 'Foreign Neighbours: For, I thank God, I may 'juſtly ſay, that never ſince I was a King, I either 'received Wrong of any other Chriſtian Prince or 'State, or did Wrong to any: I have ever, I 'praiſe God, yet kept Peace and Amity with all,

'which

'which hath been so far tied to my Person, as at my coming here you are Witnesses, I found the State embarked in a great and tedious War, and only by mine Arrival here, and by the Peace in my Person, is now Amity kept, where War was before, which is no small Blessing to a Christian Common-Wealth: For by Peace Abroad with their Neighbours the Towns flourish, the Merchants become rich, the Trade doth increase, and the People of all Sorts in the Land enjoy free Liberty to exercise themselves in their several Vocations, without Peril or Disturbance. Not that I think this outward Peace so unseparably tied to my Person, as I dare assuredly promise to myself, and to you, the certain Continuance thereof; but thus far I can very well assure you, and, on the Word of a King, promise unto you, that I shall never give the first Occasion of the Breach thereof; neither shall I ever be moved for any Particular, or private Passion of Mind, to interrupt your Public Peace, except I be forced thereunto, either for Reparation of the Honour of the Kingdom, or else by Necessity for the Weal and Preservation of the same: In which Case, a secure and honourable War must be preferred to an unsecure and dishonourable Peace. Yet I do hope, by my Experience of the by-past Blessings of Peace, which God hath so long, ever since my Birth, bestowed upom me, that he will not be weary to continue the same, nor repent him of his Grace towards me; transferring that Sentence of King *David's* upon his by-past Victories of War, to mine of Peace; that that God who preserved me from the devouring Jaws of the Bear, and of the Lion, and delivered them into my Hand, shall now also grant me Victory over that uncircumcised *Philistine.* An. 1 James I. 1603.

'But although outward Peace be a great Blessing, yet it is as far inferior to Peace within, as Civil Wars are more cruel and unnatural than Wars Abroad. And therefore the second great Blessing that God hath, with my Person, sent unto

An. 1 James I. 1603. ‘ you, is Peace within, and that in a double Form: ‘ First, by my Deſcent lineally out of the Loins ‘ of *Henry* VII. is re-united and confirmed in me ‘ the Union of the two Princely Roſes of the two ‘ Houſes of *Lancaſter* and *York*, whereof that ‘ King, of happy Memory, was the firſt Uniter, ‘ as he was alſo the firſt Ground-layer of the other ‘ Peace (the lamentable and miſerable Events, by ‘ the civil and bloody Diſſenſion betwixt theſe two ‘ Houſes were ſo great, and ſo late, as it need not ‘ be renewed unto your Memories) which as it was ‘ firſt ſettled and united in him, ſo it is now re-‘ united and confirmed in me; being juſtly and ‘ lineally deſcended, not only of that happy Con-‘ junction, but of both the Branches thereof in ‘ many Times before. But the Union of theſe two ‘ Princely Houſes is nothing comparable to the ‘ Union of two ancient and famous Kingdoms, ‘ which is the other inward Peace annexed to ‘ my Perſon.

‘ And here I muſt crave your Patience for a lit-‘ tle Space, to give me Leave to diſcourſe more ‘ particularly of the Benefits that do ariſe of that ‘ Union which is made in my Blood, being a Mat-‘ ter that belongeth moſt properly to me to ſpeak ‘ of, as the Head, wherein that great Body is ‘ united. And firſt, if we were to look no higher ‘ than to Natural and Phyſical Reaſons, we may ‘ eaſily be perſuaded of the great Benefits that by ‘ that Union do redound to the whole Iſland: For ‘ if twenty thouſand Men be a ſtrong Army, is not ‘ the Double thereof, forty thouſand, a double the ‘ ſtronger Army? If a Baron enricheth himſelf with ‘ double as many Lands as he had before, is he not ‘ double the greater? Nature teacheth us, that ‘ Mountains are made of Motes; and that at firſt, ‘ Kingdoms being divided, and every particular ‘ Town, or little County (as Tyrants or Uſur-‘ pers could obtain the Poſſeſſion) a Signory ‘ apart, many of theſe little Kingdoms are now in ‘ Proceſs of Time, by the Ordinance of God, ‘ joined into great Monarchies, whereby they are

‘ become powerful within themſelves, to defend themſelves from all outward Invaſions, and their Head and Governor thereby enabled to redeem them from Foreign Aſſaults, and puniſh private Tranſgreſſions within. Do we do not yet remember that this Kingdom was divided into ſeven little Kingdoms, beſides *Wales?* And is it not now the ſtronger by their Union? And hath not the Union of *Wales* to *England* added a greater Strength thereto? Which, though it was a great Principality, was nothing comparable in Greatneſs and Power to the ancient and famous Kingdom of *Scotland*. But what ſhall we ſtick upon any natural Appearance, when it is manifeſt, that God, by his Almighty Providence, hath pre-ordained it ſo to be? Hath not God firſt united theſe two Kingdoms, both in Language and Religion, and Similitude of Manners? Yea, hath he not made us all in one Iſland, compaſſed with one Sea, and of itſelf, by Nature, ſo indiviſible, as almoſt thoſe that were Borderers themſelves on the late Borders, cannot diſtinguiſh, nor know, or diſcern their own Limits? Theſe two Countries being ſeparated neither by Sea nor great River, Mountain nor other Strength of Nature, but only by little ſmall Brooks, or demoliſhed little Walls, ſo as rather they were divided in Apprehenſion, than in Effect; and now in the End and Fulneſs of Time united, the Right and Title of both in my Perſon, alike lineally deſcended of both the Crowns, whereby it is now become a little World within itſelf, being intrenched and fortified round about with a natural, and yet admirable, ſtrong Pond or Ditch, whereby all the former Fears of this Nation are now quite cut off: The other Part of the Iſland being ever before now, not only the Place of landing to all Strangers that were to make Invaſion here, but likewiſe moved by the Enemies of this State, by untimely Incurſions, to make inforced Diverſion from their Conqueſts, for defending themſelves at Home, and keeping

‘ ſure

An. 1 James I. 1603.

An. 1 James I. 1603. ‘ſure their Back-Door, as then it was called, ‘which was the greateſt Hindrance and Lett my ‘Predeceſſors of this Nation ever got, in diſturb-‘ing them from their many famous and glorious ‘Conqueſts Abroad: *What God hath conjoined then, ‘let no Man ſeparate.* I am the Huſband, and all ‘the whole Iſland is my lawful Wife; I am the ‘Head, and it is' my Body; I am the Shepherd, ‘and it is my Flock: I hope, therefore, no Man ‘will be ſo unreaſonable as to think that I, that am ‘a Chriſtian King under the Goſpel, ſhould be a ‘Polygamiſt, the Huſband to two Wives; that I ‘being the Head, ſhould have a divided and mon-‘ſtrous Body; or that being the Shepherd of ſo ‘fair a Flock (whoſe Fold hath no Wall to fence ‘it but the four Seas) ſhould have my Flock parted ‘in two. But as I am aſſured, that no honeſt ‘Subject, of whatſoever Degree, within my whole ‘Dominions, is leſs glad of this joyful Union ‘that I am; ſo may the frivolous Objection of ‘any that would be Hinderers of this Work ‘(which God hath in my Perſon already eſtabliſh-‘ed) be eaſily anſwered; which can be none, ex-‘cept ſuch as are either blinded with Ignorance, or ‘elſe tranſported with Malice, being unable to ‘live in a well-governed Common-Wealth, and ‘only delighting to fiſh in troubled Waters: For ‘if they would ſtand upon their Reputation, and ‘Privileges of any of the Kingdoms; I pray you, ‘were not both of the Kingdoms Monarchies from ‘the Beginning? And, conſequently, could ever ‘the Body be counted without the Head, which ‘was ever unſeparably joined thereunto? So that ‘as the Honour and Privileges of any of the King-‘doms could not be divided from their Sovereign; ‘ſo are they now confounded and joined in my ‘Perſon, who am equal and alike kindly Head to ‘both. When this Kingdom of *England* was ‘divided into ſo many petty Kingdoms (as I told ‘you before) one of them eat up another, till they ‘were all united into One. And yet can *Wilt-‘ſhire* or *Devonſhire*, which were of the *Weſt-Sax-*

‘*ons*

'*ons* (although their Kingdom of longeſt Durance, An. 1 James I. 1603.
'and did, by Conqueſt, overcome divers of the
'reſt of the little Kingdoms) make Claim to Priority
'of Place or Honour before *Suſſex*, *Eſſex*, or other
'Shires, which were conquered by them? And
'have we not the like Experience in the Kingdom
'of *France*, being compoſed of divers Duchies,
'and one after another conquered by the Sword?
'For even as little Brooks loſe their Names by
'running and falling into great Rivers, and the
'very Name and Memory of great Rivers ſwal-
'lowed up in the Ocean: So by the Conjunction
'of divers little Kingdoms into One, are all theſe
'private Differences and Queſtions ſwallowed up.
'And ſince the Succeſs was happy of the *Saxon*
'Kingdoms, conquered by the Spear of *Bellona*;
'now much greater Reaſon have we to expect a
'happy Iſſue of this greater Union, which is only
'faſtened and bound up by the Wedding-Ring of
'*Aſtrea?* And as God hath made *Scotland* (the
'one Half of this Iſland) to enjoy my Birth, and
'the firſt and moſt imperfect Half of my Life;
'and you here to enjoy the perfect and laſt Half
'thereof: So can I not think that any would be
'ſo injurious to me, no, not in their Thoughts and
'Wiſhes, as to cut aſunder the one Half of me
'from the other. But in this Matter I have far
'enough inſiſted, reſting aſſured, that in your
'Hearts and Minds you all applaud this my Diſ-
'courſe.

'Now although theſe Bleſſings (before rehearſed)
'of inward and outward Peace be great; yet ſee-
'ing that in all good Things a great Part of their
'Goodneſs and Eſtimation is loſt, if they have
'not Appearance of Perpetuity or long Continu-
'ance: So hath it pleaſed Almighty God to accom-
'pany my Perſon alſo with that Favour, having
'healthful and hopeful Iſſue of my Body (whereof
'ſome are here preſent) for Continuance and Pro-
'pagation of that undoubted Right which is in my
'Perſon; under whom I doubt not but it will
'pleaſe God to proſper and continue for many

'Years

An. 1 James I. 1603. ‘ Years this Union, and all other Bleſſings of in-
‘ ward and outward Peace, which I have brought
‘ with me.

‘ But neither Peace outward, nor Peace inward,
‘ nor any other Bleſſing that can follow thereupon,
‘ nor Appearance of the Perpetuity thereof, by
‘ Propagation in Poſterity, are but weak Pillars,
‘ and rotten Reeds to lean unto; if God doth not
‘ ſtrengthen, and, by the Staff of his Bleſſing,
‘ make them durable; for in Vain doth the Wat-h-
‘ man watch the City, if the Lord be not the
‘ principal Defence thereof; in Vain doth the
‘ Builder build the Houſe, if God give not the
‘ Succeſs; and in Vain (as *Paul* ſaith) doth *Paul*
‘ plant, and *Apollos* water, if God give not the
‘ Increaſe; for all Wordly Bleſſings are but like
‘ ſwift paſſing Shadows, fading Flowers, or Chaff
‘ blown before the Wind, if by the Profeſſion of
‘ true Religion, and Works according thereunto,
‘ God be not moved to maintain and ſettle the
‘ Thrones of Princes. And, although, that ſince
‘ mine Entry into this Kingdom, I have both by
‘ meeting with divers of the Eccleſiaſtical Eſtate,
‘ and likewiſe by divers Proclamations clearly de-
‘ clared my Mind in Points of Religion; yet do I
‘ not think it amiſs, in this ſo ſolemn an Audience,
‘ to take Occaſion to diſcover ſomewhat of the
‘ Secrets of my Heart in that Matter. For I ſhall
‘ never (with God's Grace) be aſhamed to make
‘ publick Profeſſion thereof upon all Occaſions, leſt
‘ God ſhould be aſhamed of me before Men and
‘ Angels; eſpecially, leſt at this Time Men might
‘ preſume further, upon the Miſ-knowledge of my
‘ Meaning, to trouble this Parliament of ours than
‘ were convenient.

‘ At my firſt coming, although I found but one
‘ Religion, and that which by myſelf is profeſſed,
‘ publickly allowed, and by the Law maintained;
‘ yet found I another Sort of Religion, beſides a
‘ private Sect, lurking within the Bowels of this
‘ Nation. The firſt is the true Religion, which
‘ by me is profeſſed, and by Law is eſtabliſhed:

‘ The

'The second is, the falsly called Catholics, but truly Papists: The third which I call a Sect rather than a Religion, is the Puritans and Novelist; who do not so far differ from us in Points of Religion, as in their confused Form of Policy and Parity; being ever discontented with the present Government, and impatient to suffer any Superiority, which maketh their Sects insufferable in any well-governed Common-Wealth. But as for my Course towards them, I remit it to my Proclamations made upon that Subject.' An. 1 James I. 1603.

'And now for the Papists, I must put a Difference betwixt mine own private Profession of mine own Salvation, and my politick Government of the Realm for the Weal and Quietness thereof. As for mine own Profession, you have me your Head now amongst you of the same Religion that the Body is of. As I am no Stranger to you in Blood, no more am I a Stranger to you in Faith, or in the Matters concerning the House of God. And although this my Profession be according to mine Education, wherein (I thank God) I sucked the Milk of God's Truth, with the Milk of my Nurse: Yet do I here protest unto you, that I would never for such a Conceit of Constancy or other prejudicate Opinion, have so firmly kept my first Profession, if I had not found it agreeable to all Reason, and to the Rule of my Conscience. But I was never violent nor unreasonable in my Profession: I acknowledge the *Roman* Church to be our Mother Church, although defiled with some Infirmities and Corruptions, as the *Jews* were when they crucified *Christ*: And as I am none Enemy to the Life of a sick Man, because I would have his Body purged of ill Humours; no more am I Enemy to their Church, because I would have them reform their Errors, not wishing the Down-throwing of the Temple; but that it might be purged and cleansed from Corruption: Otherwise, How can they wish us to enter, if their House be

'not

An. 1 James I. 1603. ‘ not first made clean? But as I would be loather ‘ to dispense in the least Point of mine own Con- ‘ science for any wordly Respect, than the foolishest ‘ *Precisian* of them all, so would I be as sorry to ‘ strait the politick Government of the Bodies and ‘ Minds of all my Subjects to my private Opi- ‘ nions: Nay, my Mind was ever so free from ‘ Persecution or Thralling of my Subjects in Mat- ‘ ters of Conscience, as I hope, that those of that ‘ Profession within this Kingdom have a Proof ‘ since my Coming, that I was so far from increas- ‘ ing their Burdens with *Rehoboam*, as I have so ‘ much as either Time, Occasion, or Law could ‘ permit, lightened them. And even now at this ‘ Time, have I been careful to revise and consider ‘ deeply upon the Laws made against them, that ‘ some Overture may be proponed to the present ‘ Parliament for clearing these Laws, by Reason, ‘ (which is the Soul of the Law) in Case they ‘ have been in Times past further, or more rigo- ‘ rously extended by Judges, than the Meaning of ‘ the Law, was, or might tend, to the Hurt as ‘ well of the innocent as of guilty Persons. And ‘ as to the Persons of my Subjects which are of that ‘ Profession, I must divide them into two Ranks, ‘ Clericks and Layicks; for the Part of the ‘ Layicks, certainly, I ever thought them far more ‘ excusable than the other Sort; because that Sort ‘ of Religion containeth such an ignorant, doubt- ‘ ful, and implicit Kind of Faith in the Layicks ‘ grounded upon their Church, as except they ge- ‘ nerally believe whatsoever their Teachers please ‘ to affirm, they cannot be thought guilty of these ‘ particular Points of Heresies and Corruptions, ‘ which their Teachers do so wilfully profess. And ‘ again, I must sub-divide the same Layicks into ‘ two Ranks; that is, either quiet and well mind- ‘ ed Men, peaceable Subjects, who either being ‘ old, have retained their first drunken-in Liquor, ‘ upon a certain Shamefacedness to be thought cu- ‘ rious or changeable; or being young Men, thro’ ‘ up

'evil Education, have never been nurſed or brought up, but upon ſuch Venom in place of wholeſome Nutriment: And that Sort of People, I would be ſorry to puniſh their Bodies for the Error of their Minds, the Reformation whereof muſt only come of God, and the true Spirit. But the other Rank of Layicks, who, either through Curioſity, Affectation of Novelty, or Diſcontentment in their private Humours, have changed their Coats, only to be factious Stirrers of Sedition, and Perturbers of the Common-Wealth; their Backwardneſs in their Religion giveth a Ground to me the Magiſtrate, to take the better heed to their Proceedings, and to correct their Obſtinacy. But for the Part of the Clericks, I muſt directly ſay, and affirm, That as long as they maintain one ſpecial Point of their Doctrine, and another Point of their Practice, they are no Way ſufferable to remain in this Kingdom. Their Point of Doctrine, is that arrogant and ambitious Supremacy of their Head, the Pope; whereby, he not only claims to be Spiritual Head of all Chriſtians, but alſo to have an Imperial Civil Power over all Kings and Emperors; dethroning and decrowning Princes with his Foot as pleaſeth him; and diſpenſing and diſpoſing of all Kingdoms and Empires at his Appetite. The other Point which they obſerve in continual Practice, is the Aſſaſſinates and Murders of Kings; thinking it no Sin, but rather a Matter of Salvation, to do all Acts of Rebellion and Hoſtility againſt their natural Sovereign Lord, if he be once curſed, his Subjects diſcharged of their Fidelity, and his Kingdom given a Prey by that three crowned-Monarch, or rather Monſter, their Head. And in this Point, I have no Occaſion to ſpeak further here; ſaving that I could wiſh from my Heart, that it would pleaſe God to make me one of the Members of ſuch a general Chriſtian Union in Religion, as laying Wilfulneſs aſide on both Hands, we might meet in the Midſt, which is the Center and Perfection of

An. 1 James I. 1603.

An. 1 James I. 1603. ‘ of all Things. For, if they would leave, and ‘ be ashamed of such new and gross Corruptions of ‘ theirs, as themselves cannot maintain, nor deny ‘ to be worthy of Reformation; I would, for ‘ mine own Part, be content to meet them in ‘ the Mid-Way, so that all Novelties might be ‘ renounced on either Side. For as my Faith is ‘ the true, ancient Catholick and Apostolick ‘ Faith, grounded upon the Scriptures and express ‘ Word of God; So will I ever yield all Reve- ‘ rence to Antiquity in the Points of Ecclesiastical ‘ Policy; and by that Means, shall I ever with ‘ God's Grace, keep myself from either being an ‘ Heretick in Faith, or Schismatick in Matters of ‘ Policy. But of one Thing would I have the ‘ Papists of this Land to be admonished, That ‘ they presume not so much upon my Lenity ‘ (because I would be loath to be thought a Perse- ‘ cutor) as thereupon, to think it lawful for them ‘ daily to increase their Number and Strength in ‘ this Kingdom; whereby, if not in my Time, ‘ at least in the Time of my Posterity, they might ‘ be in hope to erect their Religion again. No; ‘ let them assure themselves, That, as I am a ‘ Friend to their Persons, if they be good Subjects; ‘ so am I an avowed Enemy, and do denounce mor- ‘ tal War to their Errors: And, that as I would be ‘ sorry to be driven by their ill Behaviour from ‘ the Protection and Conservation of their Bodies ‘ and Lives; so will I never cease, as far as I can, ‘ to tread down their Errors and wrong Opinions. ‘ For, I could not permit the Increase and ‘ Growing of their Religion, without First be- ‘ traying of my self and mine own Conscience: ‘ Secondly, this whole Isle, as well the Part I ‘ am come from, as the Part I remain in, in ‘ betraying their Liberties, and reducing them to ‘ the former slavish Yoak, which both had cast ‘ off before I came amongst them: And, Third- ‘ ly, The Liberty of the Crown in my Posterity, ‘ which I should leave again in Slavery; having ‘ found it left free to me by my Predecessors.

‘ And

'And therefore, would I wish all good Subjects, An. 1 James I. 1603.
'that are deceived with that Corruption; first, if
'they find any Beginning of Instinction in them-
'selves of Knowledge and Love to the Truth, to
'foster the same by all lawful Means, and to
'beware of quenching the Spirit that worketh
'within them; and if they can find as yet no
'Motion tending that Way, to be studious to read
'and confer with learned Men; and to use all
'such Means as may further their Resolution, as-
'suring themselves, that as long as they are dis-
'conformable in Religion from us, they cannot
'be but half my Subjects; be able to do but half
'Service, and I to want the best Half of them,
'which is their Souls. And here have I Oc-
'casion to speak to you my Lords the Bishops:
'For as you, my Lord of *Durham*, said very
'learnedly to Day in your Sermon, *Correction*
'*without Instruction, is but a Tyranny*; so ought
'you, and all the Clergy under you, to be more
'careful, vigilant, and diligent than you have been,
'to win Souls to God, as well by your exemplary
'Life, as Doctrine. And since you see how care-
'ful they are, sparing neither Labour, Pains, nor
'extreme Peril of their Persons to divert, (the De-
'vil is so busy a Bishop) ye should be the more
'careful and wakeful in your Charges. Follow
'the Rule prescribed you by St. *Paul*, *Be careful*
'*to exhort and to instruct in Season and out of Sea-*
'*son*; and where you have been any way sluggish
'before, now waken yourselves up again with a
'new Diligence in this Point, remitting the Suc-
'cess to God, who calling them either at the se-
'cond, third, tenth or twelfth Hour, as they are
'alike welcome to him, so shall they be to me, his
'Lieutenant here.

'The third Reason of my conveening of you at
'this Time, which containeth such Actions of my
'Thankfulness toward you, as I may either do,
'or leave undone, yet shall, with God's Grace,
'ever press to perform all the Days of my Life:
'It consists in these two Points, in making of Laws

An. 1 James I. 1603. ‘ at certain Times, which is only at such Times ‘ as this in Parliament, or in the careful Execution ‘ thereof at all other Times. As for the making ‘ of them, I will thus far faithfully promise unto ‘ you, that I will ever prefer the Weal of the ‘ Body, and of the whole Common-Wealth, in ‘ making of good Laws and Constitutions, to any ‘ particular or private Ends of mine, thinking ever ‘ the Wealth and Weal of the Common-Wealth ‘ to be my greatest Weal and worldly Felicity: A ‘ Point wherein a lawful King doth directly differ ‘ from a Tyrant. But at this Time, I am only ‘ thus far to forwarn you in that Point, that ‘ you beware to seek the making of too many ‘ Laws, for two especial Reasons: First, be- ‘ cause *In corruptissima Republica plurimæ Le-* ‘ *ges*; and the Execution of good Laws is far ‘ more profitable in a Common-Wealth, than to ‘ burden Men's Memories with the making of ‘ too many of them. And next, because the ‘ making of too many Laws in one Parliament, ‘ will bring in Confusion, for Lack of Leisure ‘ wisely to deliberate before you conclude: For ‘ the Bishop said well To-day, that to Delibera- ‘ tion would a large Time be given, but to Exe- ‘ cution a greater Promptness was required. As ‘ for the Execution of good Laws, it hath been ‘ very wisely and honourably foreseen and ordered ‘ by my Predecessors in this Kingdom, in planting ‘ such a Number of Judges, and all Sorts of Ma- ‘ gistrates in convenient Places for the Execution ‘ of the same: And therefore must I now turn me ‘ to you that are Judges and Magistrates under ‘ me, as mine Eyes and Ears in this Case. I can ‘ say none otherwise to you than as *Ezekias*, the ‘ good King of *Juda*, said to their Judges, *Re-* ‘ *member that the Thrones you sit on are God's, and* ‘ *neither yours nor mine:* And that as you must be ‘ answerable to me, so must both you and I be ‘ answerable to God, for the due Execution ‘ of our Offices. That Place is no Place for you to utter your Affections in, you must not there

‘ hate

'hate your Foe nor love your Friend, fear the 'Offence of the greater Party, or pity the Misery 'of the meaner; ye must be blind and not see 'Distinctions of Persons; handless, not to receive 'Bribes; but keep that just Temper and Mid-'Course in all your Proceedings, that like a just 'Balance ye may neither sway to the Right nor 'Left Hand. Three principal Qualities are re-'quired in you, Knowledge, Courage, and Sin-'cerity: That you may discern with Knowledge, 'execute with Courage, and do both in upright 'Sincerity. And, as for my Part, I do vow and 'protest here in the Presence of God, and of this 'honourable Audience, I never shall be weary, 'nor omit no Occasion, wherein I may shew my 'Carefulness of the Execution of good Laws. 'And as I wish you that are Judges not to be 'weary in your Office in doing of it; so I shall 'never be weary, with God's Grace, to take Ac-'count of you, which is properly my Calling. An. 1 James I. 1603.

'And thus having told you the three Causes of 'my conveening of this Parliament, all three tend-'ing only to utter my Thankfulness, but in divers 'Forms, the first by Word, the other two by 'Action; I do confess that when I have done and 'performed all that in this Speech I have promised, '*Inutilis Servus sum: Inutilis*, because the Meaning 'of the Word *Inutilis* in that Place of Scripture is 'understood, that in doing all that Service which 'we can to God, it is but our Due, and we do 'nothing to God but that which we are bound to 'do. And in like Manner, when I have done all 'that I can for you, I do nothing but that which 'I am bound to do, and am accountable to God 'upon the contrary: For I do acknowledge, that 'the special and greatest Point of Difference that 'is betwixt a rightful King and an usurping Tyrant 'is in this; that whereas the proud and ambitious 'Tyrant doth think his Kingdom and People are 'only ordained for Satisfaction of his Desires and 'unreasonable Appetites; the righteous and just 'King doth, by the contrary, acknowledge him-

An. 1 James I. 1603. ‘ ſelf to be ordained for the procuring of the Wealth ‘ and Proſperity of his People, and that his great- ‘ eſt and principal wordly Felicity muſt conſiſt in ‘ their Proſperity. If you be rich, I cannot be ‘ poor; if you be happy, I cannot but be fortunate; ‘ and I proteſt that your Welfare ſhall ever be my ‘ greateſt Care and Contentment: And that I am ‘ a Servant, it is moſt true, that as I am Head and ‘ Governor of all the People in my Dominion ‘ who are my natural Vaſſals and Subjects, conſi- ‘ dering them in Numbers and diſtinct Ranks; ſo ‘ if we will take the whole People as one Body and ‘ Maſs, then as the Head is ordained for the Body, ‘ and not the Body for the Head; ſo muſt a righte- ‘ ous King know himſelf to be ordained for his ‘ People, and not his People for him: For al- ‘ though a King and People be *Relata*, yet can he ‘ be no King, if he want People and Subjects. But ‘ there be many People in the World that lack a ‘ Head, wherefore I will never be aſhamed to con- ‘ feſs it my principal Honour, to be the great Ser- ‘ vant of the Common-Wealth, and ever think the ‘ Proſperity thereof to be my greateſt Felicity, as ‘ I have already ſaid.

‘ But as it was the whole Body of this Kingdom, ‘ with an uniform Aſſent and Harmony, as I told ‘ you in the Beginning of my Speech, which did ‘ ſo far oblige me in Good-Will and Thankfulneſs ‘ of Requital by their Alacrity and Readineſs in de- ‘ claring and receiving me to that Place which God ‘ had provided for me, and not any particular Per- ‘ ſons (for then it had not been the Body:) So is ‘ my Thankfulneſs due to the whole State. For ‘ even as in Matter of Faults, *Quod a multis pecca- ‘ tur, impune peccatur:* Even ſo even in the Mat- ‘ ter of virtuous and good Deeds, what is done by ‘ the willing Conſent and Harmony of the whole ‘ Body, no particular Perſon can juſtly claim ‘ Thanks as proper to him for the ſame. And ‘ therefore I muſt here make a little Apology for ‘ myſelf, in that I could not ſatisfy the particular ‘ Humours of every Perſon, that looked for ſome

‘ Advancement

'Advancement or Reward at my Hand, since my Entry into this Kingdom. Three Kind of Things 'were craved of me: Advancement to Honour, 'Preferment to Place of Credit about my Person, 'and Reward in Matters of Land or Profit. If I 'had bestowed Honour upon all, no Man could 'have been advanced to Honour. For the De- 'grees of Honour do consist in preferring some 'above their Fellows. If every Man had the like 'Access to my Privy or Bed-Chamber, then no Man 'could have it, because it cannot contain all. And 'if I had bestowed Lands and Rewards upon every 'Man, the Fountain of my Liberality would be 'so exhausted and dried, as I would lack Means 'to be liberal to any Man. And yet was I not so 'sparing, but I may, without vaunting, affirm, 'that I have enlarged my Favour in all the three 'Degrees, towards as many and more than ever 'King of *England* did in so short a Space: No, I 'rather crave your Pardon that I have been so 'bountiful: For if the Means of the Crown be 'wasted, I behoved then to have Recourse to you 'my Subjects, and be burdensome to you, which 'I would be lothest to be of any King alive. For 'as it is true, that, as I have already said, it was a 'whole Body which did deserve so well at my 'Hand, and not every particular Person of the 'People: Yet were there some who by reason of 'their Office, Credit with the People or otherwise, 'took Occasion both before, and at the Time of 'my coming amongst you, to give Proof of their 'Love and Affection towards me. Not that I am 'any way in Doubt, that if other of my Subjects 'had been in their Places, and had had the like Oc- 'casion, but they would have uttered the like good 'Effects, (so general and so great were the Love 'and Affection of you all towards me:) But yet 'this having been performed by some special Per- 'sons, I could not, without Unthankfulness, but 'requite them accordingly. And therefore had I 'just Occasion to advance some in Honour, some 'to Places of Service about me, and by rewarding

An. 1 James I. 1603.

An. 1 James I. 1603. ‘ to enable ſome who had deſerved well of me, ‘ and were not otherwiſe able to maintain the ‘ Ranks I thought them capable of; and others, ‘ who although they had not particularly deſerved ‘ before, yet I found them capable and worthy of ‘ Place of Preferment and Credit, and not able to ‘ ſuſtain thoſe Places for which I thought them fit, ‘ without my Help. Two eſpecial Cauſes moved ‘ me to be ſo open handed; whereof the one was ‘ reaſonable and honourable; but the other, I will ‘ not be aſhamed to confeſs unto you, proceeded ‘ of mine own Infirmity. That which was juſt ‘ and honourable, was, that being ſo far beholding ‘ to the Body of the whole State, I thought I could ‘ not refuſe to let run ſome ſmall Brooks out of the ‘ Fountain of my Thankfulneſs to the whole, for ‘ refreſhing of particular Perſons that were Mem- ‘ bers of that Multitude. The other, which pro- ‘ ceeded out of mine own Infirmity, was the Mul- ‘ titude and Importunity of Suitors. But although ‘ Reaſon come by Infuſion in a Manner, yet Ex- ‘ perience groweth with Time and Labour: And ‘ therefore do I not doubt, but Experience in Time ‘ coming will both teach the particular Subjects of ‘ this Kingdom, not to be ſo importune and undiſ- ‘ crete in craving; and me not to be ſo eaſily ‘ and lightly moved, in granting that which may ‘ be harmful to my Eſtate, and conſequently to the ‘ whole Kingdom.

‘ And thus having at length declared unto you ‘ my Mind in all the Points, for the which I cal- ‘ led this Parliament: My Concluſion ſhall only ‘ now be to excuſe myſelf, in Caſe you have not ‘ found ſuch Eloquence in my Speech, as perad- ‘ venture you might have looked for at my Hands. ‘ I might, if I liſt, alledge the great Weight of ‘ my Affairs and my continual Buſineſs and Diſtrac- ‘ tion, that I could never have Leiſure to think ‘ upon what I was to ſpeak, before I came to the ‘ Place where I was to ſpeak: And I might alſo ‘ alledge, that my firſt Sight of this ſo famous and ‘ honourable an Aſſembly, might likewiſe breed

‘ ſome

'some Impediment. But leaving these Excuses, An. 1 James I. 1603.
'I will plainly and freely, in my Manner, tell
'you the true Cause of it, which is, that it be-
'cometh a King, in my Opinion, to use no other
'Eloquence than Plainness and Sincerity. By
'Plainness I mean, that his Speeches should be so
'clear and void of all Ambiguity, then they may
'not be thrown, nor rent asunder into contrary
'Senses like the old Oracles of the *Pagan* Gods.
'And by Sincerity, I understand that Uprightness
'and Honesty which ought to be in a King's
'whole Speeches and Actions: That as far as a
'King is in Honour erected above any of his Sub-
'jects, so far should he strive in Sincerity to be
'above them all, and that his Tongue should be
'ever the true Messenger of his Heart: And this
'Sort of Eloquence may you ever assuredly look
'for at my Hands.'

The King's long Speech being ended, the Lord Chancellor made a short one, according to Form and Order; and, in the End, signified his Majesty's Pleasure to the Commons, that they should go and make Choice of a Speaker, and present him to the King on the 22d of the same Month, or three Days after. Accordingly, on the said Day, Sir *Edward Phellips*, Knt. King's Serjeant, was brought up to the Bar of the House of Lords, by several Knights and Burgesses, as their Speaker, and, with the usual Ceremonies, was allowed. Sir Edward Phellips, Kt. Speaker.

The *Journals* of the House of Commons, for this, and all the succeeding Parliaments, are much more copious and circumstantial than formerly; therefore to take Notice of every Incident, would be endless. For the first Days of this Session, they are mostly taken up with regulating Elections, and ascertaining Privileges, *&c.* which we shall omit; except the famous Case of Sir *Francis Goodwin* and Sir *John Fortescue*, which must find a Place in these Enquiries. When any Thing else occurs in these *Journals*, not taken Notice of by the Lords, it shall also find a Place; and, they begin the first Par-

An. 1 James I. 1603. liament of the King with a very extraordinary Preface; which, for the Rarity of it, deserves inserting.

Lunæ, Martii 19, 1603.

After reciting the Title of the Session, with the King's Titles, &c. it goes on in the following Manner:

LICEAT PRÆFARI.

Remarkable Preface to the Journals of this Parliament.

THE first Frame of this earthly Body of a Chaos became a distinct Essence of Creatures (*b*). *Man*, the most noble by Nature, born to a Law, out of that gave Law to others, and to himself. Hence Order, the Lustre of Nature, guided by a First Essence, put all Government into Form: First, In Two, who, by Procreation, according to the Rule of Power (Increase and multiply) made a Family, with One Head; by Propagation, a Tribe, or Kindred, with One Elder, or Chief; by Multiplication, a Society, a Province, a Country, a Kingdom, with one or more Guides or Leaders, of Spirit, aptest, or, of Choice, fittest, to govern.

This Division, sorting itself into Proprieties, fell, in Parts of Right, greater and smaller, to some Tribe, Kindred, or elective Change of Person. *Vicissitudo Rerum*, the Herald of Time, doth warrant this to be the true original Pedigree of Government; and, by a present Change, in our own Eyes, hath made the Demonstration more subject to our Sense, by our Loss of an excellent Princess, by our Gain of a Successor, for eminent Virtue, and Experience in Government, famous, and peerless; leading us, by a momentary Fear, to a better Sight of a permanent Happiness: The Taste and Comfort of which Happiness did first entertain us by his Majesty's Entry in Peace, by his Passage with Acceptance, and by his Settling with Glory and Policy; wherein (his first Moving bearing some Resemblance of a new World) his first Care was, to re-create and renew his Laws, the Life of Government, by the greatest Council of the Kingdom,

(*b*) From the printed *Journals* of the Commons, p. 139.

dom, the High-Court of Parliament; which, being compounded of the three Eſtates (the Body Repreſentative of this Common-Wealth) was, of Cuſtom, and, in a manner, of Neceſſity, to be aſſembled at the City of *Weſtminſter*, adjoining to the City of *London*, the Metropolis, or Mother-City, of the Kingdom: But, becauſe thoſe Cities, as likewiſe many other Parts of the Land, were at that Time, and long after, overſpread with a dangerous Contagion of Peſtilence, the Summons of that Aſſembly was deferred until the One-and-thirtieth of *January*, 1603, next following: At which Time, the Heat of that great Sickneſs abating, his Majeſty, by the Advice of his Council, gave Warrant, under his Signature, to the Lord *Elleſmere*, Lord Chancellor of *England*, to ſend forth Writs of Summons, directed to the Lords Spiritual and Temporal, and the Commons, of this Kingdom: But, An. 1 James I. 1603.

We ſhall omit the Form of the Writ in the *Journals* and ſome other Ceremonies, and paſs on to the Speaker's Oration made to the King, on his being confirmed in that Office, which the ſame Authority gives us in theſe Words:

Moſt renowned, and of all other moſt worthy to be admired, Sovereign:

'AS the ſupreme and all-powerful King of Heaven hath created Man to govern his Works, ſo did he depute terreſtrial Kings, in whom his Image was, to govern Men; but yet ſo, as ſtill to think, that they themſelves are but Men: And to that End adorned them with three Imperial Enſigns of Honour; a Crown, a Scepter, and a Sword; commanding to the Crown Reverence, to the Scepter Obedience, and to the Sword Fear: Wherewith, in his divine Diſtribution of Kings and Kingdoms, he hath magnified and inveſted your ſacred Perſon, in the Imperial Throne of this moſt victorious and happy Nation, wherein you now do, and, *Neſtor* like, long may, ſit; not as a Conqueror, by the Sword, but as an undoubted Inheritor, by the Scepter; not The Speaker's Oration to the King.

An. 1 James I. 1603. ‘ not as a Stepfather, by Match or Alliance, but ‘ as a true tender Father, by Deſcent of Nature, ‘ to whom we your Children are truly naturalized ‘ in our Subjection, and from whom in our Loyal- ‘ ty we expect unto us a paternal Protection: The ‘ Ark of Government of which Kingdom hath ‘ ever been ſteered by the Laws of the ſame; and ‘ theſe diſtributed to the Juriſdiction of ſeveral ‘ Courts of Juſtice, the Commanding and Impe- ‘ rial Court whereof is this your Majeſty's Great ‘ and High Court of Parliameht; by whoſe Power ‘ only new Laws are to be inſtituted, imperfect ‘ Laws reformed, and inconvenient Laws abro- ‘ gated; whoſe Juſtice therein is ſuch, and ſo ab- ‘ ſolute, that no ſuch Laws can either be inſti- ‘ tuted, reformed, or abrogated, but by the Unity ‘ of the Commons Agreement, the Lords Accord, ‘ and your Majeſty's Royal and Regal Aſſent; on- ‘ ly to your Highneſs's Prerogative Nullity, by ‘ your own Diſaſſent to their Concluſions, belong- ‘ eth; for that this Court ſtandeth compounded of ‘ two Powers; the one ordinary, the other abſo- ‘ lute: Ordinary, in the Lords and Commons ‘ Proceedings; but in your Highneſs, abſolute, ei- ‘ ther negatively to fruſtrate, or affirmatively to ‘ confirm; but not to inſtitute. The Body of ‘ which Court or Council of Eſtate conſiſteth of ‘ two Houſes; the one, the Lower Houſe of Par- ‘ liament, the Members whereof are the Knights ‘ of Shires, and Burgeſſes of Towns and Corpo- ‘ rations; the other, the Higher Houſe, framed ‘ of the Lords Spiritual and Temporal: The per- ‘ ſonal Attendance of all which particular Mem- ‘ bers your Majeſty, by your Prerogative Royal, ‘ hath now commanded; and accordingly your ‘ dutiful and loyal Subjects, the Knights and Bur- ‘ geſſes of the Lower Houſe, have therein preſent- ‘ ed themſelves, and, anſwerable to the ancient ‘ Privilege of that Place, and your gracious Li- ‘ berty and Favour to them vouchſafed, the better ‘ thereby to avoid the Inconvenience of Parity, the ‘ Mother of Confuſion and Enemy to Unity,

‘ have

'have nominated my worthleſs Self their unwor- An. 1 James I.
'thy Speaker: Wherein although their Affections 1603.
'and Loves (the Abuſes of true Opinion and
'Judgment) have in this miſguided their former
'known and approved Wiſdoms; yet it reſteth in
'your Regal Power, either to breathe Life, or
'pronounce Death to this their yet unwarranted
'Nomination. Give me Leave therefore, moſt
'prudent and deſerving Sovereign, to appeal from
'their miſled Opinions, by the Miſguide of their
'Favours, to your approved Juſtice and Judg-
'ment; and rather therein to blemiſh my defective
'Self, by laying open my ſecret Imperfections,
'and thereby endamaging only mine own particu-
'lar Private, than to deceive their Hopes (being
'of me but waking Dreams) and wrong the
'Weight of this ſo great and important public
'Service; which requireth to be managed by the
'abſolute Perfection of Experience, the Mother
'of Prudence; by the Profoundneſs of Literature,
'the Father of true Judgment; and by the Ful-
'neſs and Grace of Nature's Gifts, which are the
'Beauty and Ornament of Arts and Actions.
'From the Virtues of all and every whereof I am
'ſo far eſtranged, that not taſting of *Parnaſſus's*
'Springs at all, nor of that Honey, left upon the
'Lips of *Plato* and *Pindarus* by the Bees, Birds of
'the Muſes; as I remain touched with the Error
'of the contrary, and thereby am diſabled to un-
'dergo the Weight of ſo heavy a Burthen, under
'which I do already groan, and ſhall both faint
'and fail, if not by your Juſtice diſburthened,
'or by your Clemency commiſerate. I there-
'fore, proſtrating myſelf at the Foot of your Juſ-
'tice-ſeat, do implore my Diſcharge; not moved
'thereto by any cold Humour to your Highneſs's
'Service (for therein I rather chuſe to be cooled
'by Death, than by Want of Will to neglect the
'ſame) but only through the froſt-bitten Defects of
'mine own Imperfections; which if they could
'be repaired with Mind's true Zeal to effect that,
'which my Heart deſireth, then Life breatheth

'not

An. 1 James I. 1603. ‘ not in that Body, who more longeth to employ ‘ the ſame in all Duties, that may to your Majeſty ‘ be ſerviceable, or to your Highneſs acceptable. ‘ Notwithſtanding, as your devoted Subject and ‘ Servant, I only and wholly ſubject myſelf, my ‘ State, and Life, as the true Subject of your gra- ‘ cious Pleaſure; deſiring not longer to live, than ‘ ſo to live, that my Breath and Life may breathe ‘ out to your Majeſty Loyalty, Faith, and Obe- ‘ dience, whereof my Life and Death ſhall be my ‘ Pawn and Pledge.’

Here he ſtopped; but being told by the Lord Chancellor that the King would not excuſe him, but confirm the Election of the Commons; he then proceeded:

Moſt renowned Sovereign,

‘ IF a divided Mind may frame a well-joined ‘ Anſwer, then may I ſay, Too much, more ‘ than too juſtly, may your Majeſty contemn my ‘ Wants, but never condemn my Want of Duty: ‘ For, although in this Place of Employment ‘ (now commanded) I ought, and do, give Pre- ‘ cedency to many, yet to none in my Will to do ‘ you Service; for therein my Zeal ſhall ever re- ‘ ſemble the Fire, hot, and yet trembling; hot, ‘ in my Deſire to diſcharge the full Meaſure of my ‘ Duty; but, *Piſander* like, trembling, in my ‘ Fear, leſt, through my Imperfections, I fail in ‘ that, which I ſhould perform. My Courſe of ‘ Life hath not been much converſant in the Study ‘ of Arts, which might make me ſpeak *ſcripta vel* ‘ *ſculpta*, as *Demoſthenes* wiſhed; nor in the Poli- ‘ cies of State, of which a Subject to his Sovereign ‘ muſt ſpeak *breviter aut ſuaviter*; but in the Pro- ‘ feſſion and Practice of the Laws, which are *Ner- ‘ vi Reipublicæ et Ligamenta*, the Bonds and Sinews ‘ of this Kingdom; which yield more Fruits of ‘ Reaſon, than Words, the Buds of Art, and bloſ- ‘ ſoming Terms of Eloquence: And therefore to ‘ confine myſelf within the proper Element of my ‘ Profeſſion, and not to aim and ſnatch at Things ‘ beyond

'beyond my Reach; be pleaſed, of all others moſt renowned Sovereign, in few and unfiled Words, to entertain with your gracious Aſpect a comparative Reſemblance between a Body by Nature, and the Body Politic of this your Majeſty's Common-Wealth, figured and drawn out of the Rules of Law; whereof, as the natural Body of the one is framed of four principal Parts, namely, of a Head, of a Body, of a Life, and of a Soul; ſo is the Politic Body of the other compounded of like Four eſſential Members; as of a Head, of a Body, of a Life, and of a Soul: And as, by the Diſbranching of any one Particular from the natural Body, the Perfection of the Whole is diſſolved; ſo, by the Diſmembring from the Politic Body of any one of the Four Politic Parts, the Glory of the Whole is diſrooted. This Politic Head now is (and we all, with one zealous and united Devotion, pray, long and long may be) your moſt honoured and beſt deſerving Self; this Body Politic now is, and ſtill deſire to be, your loyal and faithful Subjects; this Politic Life now is, and ſo well deſerves to be, your Highneſs's common and poſitive Laws; this Politic Soul now is, and ſo of Neceſſity muſt be, your abſolute Juſtice in the true Diſtribution of the ſame. And as the natural Head of the one (although the Prince, and directing Part of the Whole) cannot be ſupported without his natural Body, nor the natural Body without his natural Life, nor the natural Life breathe without the Soul; no more can the Politic Head of the other (although the ſupreme and commanding Part) ſtand ſecure without his Subjects, being the Politic Body; nor the Politic Body without his Laws, being his Politic Life; nor his Politic Life without his Politic Soul, being Execution. And as the natural Body of the one is ſubject to the Imperfections of Nature, and, in beſt Health and Fulneſs, findeth leaſt his Danger; ſo, in Peace and Plenty, is the other ſubject to Enormities of Miſguide and Error; which made good Laws

An. 1 James I. 1603.

'ſpring

An. 1 James I. 1603.

'ſpring out of bad Manners; for if Diſeaſes were 'not, there needs no Medicines; nor Uſe of Laws, 'but for Reſtraint of Evils. The natural Head's 'Providence protecteth the Body from groſs Diſ-'eaſes, and diſcreet Foreſight preventeth After-'claps of Danger; ſo the Wiſdom, Prudence, 'and good Guide of the Politic Head, is the ſo-'vereign Preſervation againſt the infectious Poiſon 'of Diſcord and Diſorder: And as to each Part of 'the natural Body belongeth divers, ſeveral, and 'divided Duties and Offices to be performed; ſo is '(or ought to be) every Part of the Politic Body 'attended on with Four particular Virtues and Pro-'perties: As, to the Head there belongeth, firſt, 'Zeal in Religion, whereby God may be truly 'honoured; ſecondly, Prudence in conſtituting 'Laws, whereby the Body may be rightly govern-'ed; thirdly, Magnanimity, to repel the Fury, 'both of Foes and Fortunes; fourthly, Juſtice, 'tempered ſo with Mercy, whereby the well-diſ-'poſed may not be drawn to preſume, nor the raſh 'and negligent Delinquent driven to Deſpair: To 'the Body, firſt, Devotion, to pray for the Safe-'ty of ſo precious an Head; ſecondly, Minds and 'Wills to obey him in all faithful Loyalty; third-'ly, Hands and Hearts, as Brethren in Unity, to 'fight againſt the common Enemy in Defence of 'his Royal Dignity; fourthly, Purſes prepared and 'open to ſupply the neceſſary Occaſions of his So-'vereignty: To the Life, being the Law, belong-'eth, firſt, to inform you our Prince, how us your 'Subjects to command; ſecondly, to direct us your 'Subjects, how you our Sovereign to obey; third-'ly, to inſtruct your Highnſs's Magiſtrates, and 'Officers of Juſtice, with Knowledge how to ad-'judge; fourthly, to teach your Miniſters of Go-'vernment the Mean and Manner how to diſci-'pline; for Ignorance of Laws brings Error in 'Judgment, and Error or Corruption in Judgment 'is the very Plague of the Innocent: The Soul, 'being Execution, requireth, firſt, to preſerve the 'Authority of Laws from Contempt; ſecondly,

'to

'to maintain the Power of Government in his ab- An. 1 James I.
'solute Virtue; thirdly, to protect the Oppreſſed 1603.
'from the Tyranny of Oppreſſion; fourthly, to
'correct the Oppreſſors with the Sword of judicial
'Cenſure, that your Laws may not be Cobwebs
'to puniſh little Flies, and let the great eſcape;
'for Lenity and Gentleneſs to ſuch ſo bad, is no-
'thing elſe but Cruelty to them that are good. A
'Body of theſe Mixtures, thus compounded, is
'both to the Prince and Subjects in Earth, and all
'earthly Things, *Summum Bonum.* For the firſt
'four Virtues of the Head God is honoured, the
'People governed, Enemies are repelled, Juſtice
'without Tyranny, and Mercy without Remiſſneſs
'diſtributed. By the ſecond Four Duties of the
'Body, the Head is ſecured, Loyalty performed,
'Royalty defended, Sovereignty in Wars maintain-
'ed, and in Peace adorned. By the third Four
'Properties of the Life, being the Law, Com-
'mandments are rightly commanded, Obedience
'is truly yielded, Judgments with Knowledge are
'pronounced, Executions without Error executed.
'By the laſt Four Offices of the Soul, being Exe-
'cution, you ſhall find Laws in Authority preſerv-
'ed, Government in his Virtue maintained, the
'Oppreſſed ſtrongly, yea, graciouſly, protected,
'and the Oppreſſors ſharply and worthily correct-
'ed. And if any Kingdom and Body Politic
'might appropriate the Perfection of this ſo bleſſed
'Happineſs to themſelves, it is we, now your Ma-
'jeſty's Subjects, in our late deceaſed ſovereign
'Queen, and in you, our liege and living King:
'For ſuch was the Virtue of her princely Regi-
'ment, that, as living, ſhe lived, of her Sex, the
'Wonder of her Time; ſo, now dead, ſhe liveth
'a true Mirror to all ſucceeding Ages. For that in
'her Religion ſhe was zealous, without Wavering;
'in her Counſels wiſe, without Levity; in her
'Determinings deliberate, without Raſhneſs; in
'her Reſolutions conſtant, without Mutability; in
'her Juſtice abſolute, without Cruelty; in her
'Mercy temperate, without careleſs Remiſſneſs;

'in

An. 1 James I. 1603. ‘ in her Choice of Magiſtrates of Juſtice, and Officers of Attendance, curiouſly reſpective, without ſudden Admiſſion; firſt, trying their Deſerts ‘ by the Touchſtone of her Council's Cenſure; ‘ and, ſecondly, approving them in the Fire of the ‘ Worth of their own Virtues, and not by the ‘ Value of their own corrupt-given Rewards; miſliking ſnaky Ambition, that winds itſelf into many Figures, till it ſlide into the Room which it ‘ deſires; but ever condemning it as an Evil of dangerous Conſequence, to place worthleſs Men in ‘ worthy Places; foreknowing, they that want true ‘ Sufficiency to raiſe themſelves, will make them a ‘ Ladder of any Miſchief: Secondly, as a Thing ‘ to herſelf diſhonourable, unleſs with Virtue ſhe ‘ held the Scales, and weighed their Deſerts in the ‘ Balance of Honour: Thirdly, to her Subjects intolerable, to impoſe, or ſuffer, in Place of Juſtice, a bribing and corrupt Magiſtrate: And laſtly, to the Government of the Eſtate ſhe eſteemed them the Rocks of Government's Reproach, ‘ the Quick-ſands of true Juſtice, and the Whirlpool of the Common-Wealth's Decay; wherein, if in ought miſled by the Error of Information (from which the King of Heaven only, and ‘ no King on Earth, is free) theirs, and not her's, ‘ was the deſerved Blame of that Offence; whoſe ‘ Example therein, being dead, if in ought ſo miſguided, liveth to the Living a lively Admoniſher, ‘ both to abhor and abandon temporizing Smoothers, *Matchavilian* Politiquers, and corrupt bribing Informers, as the venomous Poiſoners of ‘ Virtue's clear Fountain. By which, and many ‘ other her princely Governments, we, her People, ‘ loved her with our Hearts true Love; obeyed ‘ her with Conſcience, not by Conſtraint; feared ‘ for her, never feared by her; prayed for her ‘ with the Spirit of Faith; and lived to die for ‘ her in all conſtant Loyalty. The ſame Love, ‘ the ſame Obedience, the ſame Fear, the ſame ‘ Faith, and the ſelf-ſame Loyalty, we ſtill retain, ‘ and faithfully, conſtantly, and religiouſly profeſs, ‘ proteſt,

'protest, and present to your most sacred Majesty; An. 1 James I. 1603.
'resolving ourselves, that, as by Nature, you both 'descended from that blessed Root of Union, under whom, by whom, and from whom, she did, 'and your Majesty now doth, wear and bear the 'Imperial Crown and Scepter of this thrice blessed 'Monarchy; that, as she did, so your Majesty will 'bud the like or greater Fruits of such a *Solomon*, 'and so heroic a Root; whereof your Zeal in Religion, your unblemished Course of Life, your 'Precedence before all other Princes in divine and 'moral Literature, your Temperance in Disposition, your Justice in your Judgments, your Mercy to Delinquents, and your approved Magnanimity in Dangers, these all give us Assurance, that 'we have but exchanged our exquisite Queen for 'an absolute King: And if Success of Ends may 'be foreknown by their Beginnings, and Conclusions approved by the Premises, then may I conclude, 'that never were (*b*) more blessed in their King, 'nor King more beloved and happy in his People: 'For such, and so high, was, and is our Esteem 'of your princely Deserts, and such, and so great, 'did, and do we value the Price of your eminent 'and unmatchable Perfections, that without Hearts 'grudging, Minds murmuring, or Thoughts discontent (some few impostumed Persons, now disvomited, excepted) you wear, and long may 'wear, the Imperial Crown of this right powerful 'Kingdom; whose People your Majesty shall find, 'by Profession, to be religious, without fantastical 'Curiosity; by Nature, to be resolute, without 'Insolency; by Subjection, to be loyal and faithful, without Treason or Treachery; by moderate Discipline, to be tractable and obedient, without Rebellion; and by Law and Authority only 'to seek to right their Wrongs, without treacherous Revenge, or public Hostility; and yet, *inter Pares*, impatient of Baseness and Servility. '*Jura regalia* they usurp not; but to the Crown 'they do their Reverence, to the Scepter their Obe-

(*b*) *Sic Orig.* — But the Word *People* seems to be omitted here.

An. 1 James I. 1603.

dience, and the Imperial Sword they only fear; whereby this Day, that, to foreign Enemies, and domeſtical Diſcontents, was (ill Mens Hope, and good Mens Fear) to be the Day of Blood, is now become the Day of *England's* ſettled Peace, and joyful Safety; and may well be ſaid, This is the Day that the Lord hath made, let *England* rejoice and triumph in it: For that Virtue is now no Treaſon, nor no Man wiſheth the Reign of *Auguſtus*, nor ſpeaketh of the firſt Times of *Tiberius*. And although ſome fiery-ſpirited Detractors, very faulty-finding, and yet very faulty, have derogated from Princes Regiment, from States Government, from Senates Integrity, from Judges Juſtice, from Magiſtrates Diſcipline, and from Commons Obedience; yet foregoing Time, and your Majeſty's preſent and future Trial, ſhall approve it a Regiment never more renowned, a Government never more conſtantly ſettled, a Senate never more juſtly wiſe, Judges never more judicially juſt, Magiſtrates never more reſpectively vigilant, nor Commons never more loyally obedient; and although, as Men, ſubject to the Imperfections of Men, yet, from Hands and Hearts Corruption, as free from deſerved Accuſation, as ſuch traducing Earwigs are guilty of Condemnation. And had your Majeſty, before your princely Arrival, been an Eye and an Ear-witneſs to the prudent and provident Directions and Endeavours of the then Council of Eſtate, of the regardful Employment of the Nobility, of the vigilant Circumſpection of the Officers and Miniſters of Juſtice, and generally of the loyal Conformity and Obedience of the Commons, all in their ſeveral Ranks endeavouring, and agreeing, with Hearts true united Conſent, to your Highneſs's Inſtalment; you then would, out of your princely Jungment, rather have approved it a free Election, than a deſcending Right; wherein they expreſſed their Judgments in your undoubted Title, manifeſted their reverend Reſpects to your high and admired Virtues, and approved their

Loy-

'Loyalty to your approved Crown and Scepter. An. 1 James I. 1603.
'And although the Policies of precedent Time
'did forbear the public Declaration of your then
'future, and now preſent Right; yet was both the
'Head and the Body ſo far from Purpoſe to im-
'peach the ſame, that confidently I believe, and
'boldly dare affirm, that neither ſhe, nor they,
'ever thought Thought, or dreamed Dream, to
'offer Wrong to your Succeſſion therein; but as
'the one was in Policy forborn, ſo in Conſcience
'the other was never purpoſed. And now, ſince
'God, to whoſe only Prerogative the Inthroniz-ing
'and Diſthronizing of Kings appertaineth, hath,
'by the Setting of her Sun, raiſed and ſpread the
'Beams of your Glory; and by calling her to
'his heavenly Service, hath freed her from her
'temporal Regiment; and hath, out of his divine
'Providence, crowned you with the ſame Crown,
'bleſſed you with the ſame Religion, enriched you
'with the ſame Dominions, and ſtrengthned you
'with the Hearts of the ſelf-ſame Subjects and
'People; that, as ſhe did, ſo your Majeſty will be
'pleaſed to protect us in our Religion, to favour
'us in our Loyalties, to cheriſh us in our Obedi-
'ence, and to nouriſh us in our faithful Subjecti-
'on. And as to her, ſo to you, we faithfully pro-
'ſtrate and ſubject ourſelves, our State, and Lives,
'to be diſpoſed and ſacrificed for and in your Ma-
'jeſty's Service; religiouſly praying, that your
'Highneſs's Government, and our Subjection, may
'be to God pleaſing; to you, our Sovereign, ab-
'ſolute; to Enemies and Traitors powerful and
'fearful; and to all true devoted Subjects fruitful
'and comfortable: Then ſhall God be glorified,
'your Majeſty renowned, Religion advanced,
'and your State and People ſecured from *Popes*
'Curſings, Enemies Oppreſſions, and Traitors
'Treacheries; whereunto all true *Engliſh* Hearts
'ſay, *Amen*. And thus being by the Rules of Diſ-
'cretion foretold, that to offend your ſacred Ears
'with *multa*, ſince to ſatisfy your gracious Expec-
'tation with *multum* is denied me, were an Error,

An. 1 James I. 1603. ‘ of Errors the moſt erroneous: Therefore, ſince ‘ I retain not the Virtue of the one, give me Leave, ‘ moſt magnificent Sovereign, to prevent the Er- ‘ ror of the other; and in theſe few Words, be ‘ pleaſed to receive as much as can be conceived, ‘ may proceed from a Man and Mind, truly and ‘ wholly devoted to your Service; who deſireth no ‘ longer to breathe, than ſo to breathe, that his ‘ Breath may breathe out to your Majeſty Loyalty, ‘ Faith, and Obedience, whereof his Life and ‘ Death ſhall be his Pawn and Pledge: Who here, ‘ upon the Knees of my Duty, in all Humility, ‘ do preſent to your gracious Conſideration five ‘ Petitions; the Benefit of three whereof are pe- ‘ culiar to mine own Particular, the other two to ‘ the Knights, Burgeſſes, and Members of the ‘ Lower Houſe of Parliament.

‘ The firſt whereof is, That if, in your graci- ‘ ous Eyes, Ears, or Judgment, during the Time ‘ of this mine Employment and Service, I have, ‘ do, or ſhall, through my Imperfections (which al- ‘ ready appear to your Majeſty to be too too many) ‘ either in Manner, Form, or Matter, neglect that, ‘ which I ought to have performed, or err in that, ‘ which I ought not to have done, that your Ma- ‘ jeſty will be pleaſed, out of your Clemency, ra- ‘ ther to commiſerate the ſame, than out of your ‘ Juſtice therein to correct my unwilling commit- ‘ ted Errors.

‘ Secondly, That if any, by private Informa- ‘ tion, endeavour to poſſeſs your ſacred Ears with ‘ Matter of Blemiſh or Detraction concerning my ‘ Courſe of Proceeding, that your gracious Cen- ‘ ſure thereof may be ſuſpended, until, by your ‘ Pleaſure, I be called to my Trial, and your Judg- ‘ ment: For that many Things may be either miſ- ‘ carried, or miſconceived, in Cauſes of this Nature.

‘ Thirdly, That, as Occaſion ſhall move, I ‘ may, by your royal Favour, be permitted Acceſs ‘ to your princely Preſence, in Places and Times ‘ convenient, for ſuch Negotiations, as the Duty ‘ of my Place ſhall require.

Fourthly,

'Fourthly, * * * * * * * * * * * An. 1 James I. 1603.

What followed is omitted in the *Journals*: But it could be no more than the common Form of asking for Liberty of Speech, *&c.* which, as usual, was granted by the King, *without the cautionary Restrictions* used in the last Reign (*i*).

The first Thing the Commons went upon, when they were got to their own House, was, to examine into a Complaint, then made, by Sir *Herbert Crofts*, one of their Members. It seems this Gentleman, coming up with others to hear the King's Speech, in the House of Lords, had the Door shut upon him; and one *Bryan Tashe*, a Yeoman of the Guard, violently repulsed Sir *Herbert*, saying, *Goodman Burgess you come not here.* This was resented as an Affront to the whole House; and it might have proved vexatious, had not one of the Officers of State made up the Matter; so the House was contented with *Tashe's* acknowledging and asking Pardon for his Fault, and receiving a Reprimand from the Speaker, on his Knees, at the Bar for it.——But to begin with the Lords.

Affront offered to a Member.

The first Bill that was brought into their House bore this Title, *A most joyful and just Recognition of the immediate, lawful, and undoubted Succession, Descent, and Right of the Crown.* The next Day this Bill was read a second Time, and ordered to be engrossed; and the Day after it passed the House of Lords, and was sent down to the Commons, by an extraordinary Commission, *viz.* the two Lord Chief Justices, two Judges, Mr. Serjeant *Crook*, and Mr. Attorney-General. The House of Commons were no less eager to pay their Compliments to their new King; for, *March* the 31st, we find this Entry in the Lords *Journals*. 'This Day the 'Bill, intituled, an Act for a most joyful and just 'Recognition, *&c.* was returned to their Lordships 'from the Lower House, by the Hands of Mr. 'Secretary *Herbert*, accompanied by the most Part 'of the Knights and Burgesses of the said House, 'who signified their joyful Acceptation of the said

An Act for recognising the King's Title.

(*i*) See Vol. IV. p. 349, 408, 427.

An. 1 James I. 1603.

'Bill, and their Willingneſs in expediting it, by 'giving three ſeveral Readings to the ſame, as ſoon 'as they received it.'

The particular Writer of this King's Life was one *Arthur Wilſon*, Eſq. the beſt Edition of which is printed in *Kennet's* Hiſtory of *England*, with that Prelate's Notes upon it. In one of which, the Biſhop repreſents him as a prejudiced Writer, if not a rancorous one, againſt King *James*; another Author ſays, that he was more a Satyriſt than an Hiſtorian (*k*): But, as this Author, like many others, is very ſhort in his Account of Parliamentary Proceedings, there is little to be extracted from him to our Purpoſe. In the Courſe of the whole Parliament now before us, *Wilſon* takes no Notice of any one Act but the foregoing; on which, he makes the following Reflection (*l*).

Wilſon's Remarks thereon.

'The Parliament, highly admiring the King's 'Abilities, made a Recognition thereof with many 'Elogies, as the prime Act of their humble Sub'miſſion to his Government. Wherein, they 'yield their moſt humble Thanks to the divine 'Majeſty for his Acceſs to the Crown. And they 'deſire from their Hearts, as a Memorial to all 'Poſterity, it may be publiſhed, and declared, and 'remain amongſt the Records of the High Court 'of Parliament for ever to endure, *That* they ac'knowledge his Right of Succeſſion to the Crown 'of *England*, and the Empire thereof; and there'unto they faithfully ſubmit and oblige themſelves, 'their Heirs and Poſterities for ever, until the laſt 'Drop of their Blood be ſpent. So high mounted 'was the Affection of the People to the King; 'and, happily, might have continued ſo, if ſome 'After-Jealouſies had not intervened, that like 'Clouds hindered the Influence of their more in'timate Correſpondence.'

Thus far Mr. *Wilſon*. But, in order to ſhew, more clearly, the Senſe of an *Engliſh* Parliament, and therein of the whole Nation at that Time, who are

(*k*) *Fuller's Church Hiſt.* Book X. p. 57.
(*l*) *Kennet's Hiſt. of England*, Vol. II. p. 673

are and ever have been fond of Changes, we shall subjoin the Preamble to the Act itself, as the best Testimony of their full Acknowledgment of this King's Title to the Crown (*m*). An. 1 James I. 1603.

Great and manifold were the Benefits, most dread and most gracious Sovereign, wherewith Almighty God blessed this Kingdom and Nation, by the happy Union and Conjunction of the two noble Houses of York *and* Lancaster, *thereby preserving this noble Realm, formerly torn and almost wasted with long and miserable Dissention and bloody Civil War; but more inestimable and unspeakable Blessings are thereby poured upon us, because there is derived and grown from and out of that Union of these two princely Families, a more famous and greater Union, or rather a re-uniting of two mighty, famous and ancient Kingdoms, (yet anciently but one) of* England *and* Scotland, *under one imperial Crown, in your most royal Person, who is lineally, rightfully and lawfully descended of the Body of the most excellent Lady* Margaret, *eldest Daughter of the most renowned King* Henry VIIth, *and the High and Noble Princess Queen* Elizabeth *his Wife, eldest Daughter of King* Edward IVth, *the said Lady* Margaret *being eldest Sister to King* Henry VIIIth, *Father of the High and Mighty Princess, of famous Memory,* Elizabeth *late Queen of* England.

In Consideration whereof, &c.

A grand Conference between the two Houses.

March 26th, on a Motion of the Lord *Cecil*, a Conference was agreed upon to be had with a certain Number of the Lower House, concerning the public State of the Nation; and on two Things, in particular, Purveyors and Respite of Homage. To which the Commons desired might be added another Article concerning the Matter of Wards: Answer was returned back, by the Lords, 'That they liked well the Motion for a Conference, touching the last mentioned Matter. But, with all, because there were *several other Things that did concern the public State*; of which it was, likewise

(*m*) Statutes at large, 1 *Jac.* I. *Cap.* 1.

An. 1 James I. 1603. wise proper to have Conference, before Hand, for the better Furtherance of the public Service; and, in regard, the said Matters were of *Importance*, their Lordships desire them to increase the Number of their Committee as they intended to do theirs.

A large Committee of Lords were accordingly appointed, consisting of nine Earls, one Viscount, six Bishops, and thirteen Barons; who were to be attended by the two Lord Chief Justices, four Judges, Mr. Serjeant *Crook*, and Mr. Attorney-General. The Commons deputed about sixty Knights and Burgesses of their House; and this is all that the *Journals* of the Lords mention of this Matter.

But the *Journals* of the Commons are not so silent; for it was, indeed, a Business of *Importance* to the *Liberties* and *Privileges* of *that* House. *Rapin*, (from *Coke*,) represents this Affair as another Instance of this King's aiming at absolute Power. In order to introduce this Matter, we shall give a Paragraph from this Author's *History of England*, and then subjoin the whole Account, as it stands in the *Journals* of the House of Commons at this Day. There needs no Apology for the Length of it; a Case of this Nature allowing of no Abridgment in this Work (*n*).

Rapin's Observations thereon.

'Immediately after the Opening of the Parliament, the Commons examining, according to Custom, the contested Elections, there was a Debate in the House about the Return of Sir *Francis Goodwin*, and Sir *John Fortescue*, for Knight of the Shire for the County of *Bucks*, and upon a full Hearing, Sir *Francis* was declared duly elected. Three Days after, the Lords sent a Message to the Commons, that there might be a Conference about *Goodwin's* Election. The Commons surprized at so extraordinary a Message, answered, They did not think themselves obliged to give an Account of their Proceedings, and therefore could not grant the Conference required. The Lords replied, the King having been acquainted with what had passed in *Good-*

(*n*) *Rapin*, Vol. II. p. 168, *et seq.*

Goodwin's Caſe, thought himſelf engaged in Honour to have the Affair debated again, and had ordered them to confer with the Commons upon it. Whereupon, the Commons, by their Speaker, gave their Reaſons to the King, why they could not admit of this Innovation. But all they could obtain was, that inſtead of a Conference with the Lords, the King commanded them to confer with the Judges. This pleaſed them no more than the other. They ſet down their Reaſons in Writing, and delivered them at the Council-Chamber, to deſire their Lordſhips to intercede for them to the King, not to violate their Privileges. The Anſwer was, the King abſolutely commanded them to have a Conference with the Judges. The Commons were extremely ſurprized at ſo abſolute an Order. Mean while, fearing to be accuſed of too eaſily engaging in a Quarrel with the King, they thought it more proper to yield, than ſtand out, fully bent however to adhere to what had been determined in the Caſe of the conteſted Election. Certainly the King had engaged in a very nice Affair, and probably would not have come off with Honour, had he not been diſengaged by *Goodwin's* Moderation. Sir *Francis* chuſing to forfeit his Right rather than occaſion a Quarrel between the King and the Commons, deſired the Houſe to order the County of *Bucks* to elect another Knight in his Stead. The King and Commons equally accepted of this Expedient, which prevented them from coming to Extremities; but the King found from hence, that no great Account was made of the Proclamation upon calling the Parliament, whereby he meant to be Maſter of the Elections.' Thus far Mr. *Rapin*. An. 1 James I. 1603.

This CASE of Sir *Francis Goodwin* was printed, by Order of the Houſe of Commons, *Anno* 1704, under the Direction of *Robert Harley*, Eſq. (afterwards Earl of *Oxford)* then Speaker, on Occaſion of the famous Debate, at that Time, upon the *Ayleſbury* Election.——Several Paſſages therein were diſtinguiſhed by being printed in a different Character: As ſuch Diſtinction ſeems to point out the

An. 1 James I. 1603. the Senſe of the then Houſe of Commons, upon this Matter, the ſame Method is followed here.

The CASE between Sir FRANCIS GOODWIN *and Sir* JOHN FORTESCUE, &c. (*o*)

Debate on a Return for the County of Buckingham.

THE firſt Motion was made on the 22d of *March*, by Sir *William Fleetwood*, one of the Knights returned for the County of *Bucks*, on the Behalf of Sir *Francis Goodwin*, Kt. who, upon the firſt Writ of Summons directed to the Sheriff of *Bucks*, was elected the firſt Knight for that Shire: But the Return of his Election being made, it was refuſed by the Clerk of the Crown, *quia utlagatus* (*p*): And becauſe Sir *John Forteſcue*, upon a Second Writ, was elected, and entered in that Place, his Deſire was, That this Return might be examined, and Sir *Francis Goodwin* received as a Member of the Houſe. The Houſe gave Way to the Motion; and for a more deliberate and judicial Proceeding in a Caſe of Privilege ſo important to the Houſe,

Ordered, *That the Serjeant (the proper Officer of the Houſe) ſhould give Warning to the Clerk of the Crown to appear at the Bar at Eight o'Clock the next Morning, and to bring with him all the Writs of Summons, Indentures, and Returns of Elections for the County of* Bucks, *made and returned for this Parliament; and to give Warning alſo to Sir* Francis Goodwin, *to attend in Perſon, whom their Pleaſure was to hear,* Ore tenus, *to deliver the State of his own Cauſe, and the Manner and Reaſons of the Proceeding in the Election of the Knights of the Shire for that County.*

March 23d, Sir *George Coppin*, Kt. Clerk of the Crown, appeared at the Bar accordingly, and produced all the Writs of Summons, Indentures, and Returns made of the Knights of *Buckinghamſhire* for this Parliament; which were ſeverally read by the Clerk of the Houſe, and then the Clerk of the Crown commanded to retire to the Door: And after,

(*o*) *Journ. Dom. Com.* An. 1 James I.

(*p*) In the King's Proclamation for calling this Parliament a Caution is given againſt Electing outlaw'd Perſons. *See before*, p. 7.

after, Sir *Francis Goodwin* himſelf attending to know the Pleaſure of the Houſe, was called in, to deliver the State of his own Cauſe, *Ore tenus*; wherein he was heard at large, and commanded again to retire until the Houſe had determined what to do. An. 2 James I. 1604.

In this mean Time the whole Caſe was at large opened, and argued *pro & contra*, by ſundry learned and grave Members of the Houſe; and after much Diſpute, the Queſtion was agreed upon and made.

Whether Sir Francis Goodwin *were lawfully Elected and Returned one of the Knights for* Bucks, *and ought to be Admitted and Received as a Member of this Houſe?*

Upon this Queſtion, it was

Reſolved in the Affirmative, That he was lawfully Elected and Returned, and (*de Jure*) ought to be Received.

Hereupon the Clerk of the Crown was commanded to file the firſt Indenture of Return: And Order was given, That Sir *Francis* ſhould preſently take the Oath of Supremacy as uſual, and his Place in the Houſe; which he did accordingly.

March 27th, Sir *Francis Bacon*, in reporting a Conference with the Lords, touching Wardſhip and other Things, reported, That a Lord touched the Caſe of Sir *Francis Goodwin* as a Thing he had heard at large, but did not underſtand it; and therefore deſired to know it more particularly from this Houſe. To which Anſwer was made, That they had no Warrant from the Houſe to ſpeak of it.

Sir *Edward Coke*, his Majeſty's Attorney-General, and Mr. Doctor *Hone*, bring a Meſſage from the Lords, expreſſing with what Acceptation their Lordſhips entertained their Motion Yeſterday, not only for the Matter, being of very great Weight and Conſequence, but eſpecially for the Manner; namely, That, touching Wardſhip, they would not petition for Eaſe in it as a Matter of Wrong, but of Grief; and pray to be relieved by Grace, and not by Juſtice: And their Lordſhips for Anſwer were deſirous, and moved at that Time to couple in the ſame Petition the Matter of

An. 1 James I. 1604. Grievance, of Reſpite of Homage; which his Majeſty, out of his gracious Favour and Love to his People, had himſelf taken Knowledge of. *And as they conceive it to be likely, that the Conference may continue between the Two Houſes, touching the ſaid Matters; as they are very zealous of the Furtherance of their Purpoſe, ſo are they jealous of any Impediment that may breed Lett or Hindrance therein: Therefore they deſire, for a more clear Proceeding and Removing of all Stumbling-Blocks, that the former Committees may, in a ſecond Conference to be had, have Authority to treat touching the Caſe of Sir* Francis Goodwin, *the Knight for* Buckinghamſhire, *firſt of all, before any other Matter were farther proceeded in.*

The Anſwer to this Meſſage was (as uſual) *That they would return Anſwer by Meſſengers of their own.*

Upon this Meſſage it was argued by ſome, *That in no ſort they ſhould give Account to the Lords of their Proceedings in the Houſe; but that Mr. Speaker ſhould from the Houſe be a Suitor to his Majeſty, to have Acceſs, and as their common Mouth give his Highneſs Satisfaction by Direction from the Houſe: That now the Judgment of Sir* Francis Goodwin's *Caſe having paſſed the Houſe, it could not, nor ought not, to be reverſed by them. A Precedent,* Anno 27 Eliz. *cited; where a Bill brought down from the Lords, upon the Firſt Reading was rejected; the Lords ſent Meſſengers to demand a Reaſon of their Judgment: It was denied to yield any Reaſon.*

This Argument brought forth this Queſtion, which Mr. Speaker was ordered by the Houſe preſently to make, *viz.*

Whether they ſhould Confer with the Lords, touching the Caſe of Sir Francis Goodwin *the Knight for* Buckinghamſhire? And *Reſolved,* That they ſhould not.

It was then conſidered as fit to return ſome Anſwer to the Meſſage from the Lords; and Mr. Secretary *Herbert,* with ſome other of the Committees, were appointed to deliver to their Lordſhips, from the Houſe, That they did conceive it did not ſtand in *Honour* and *Order* of the Houſe, to give

give Account of any their Proceedings or Doings: But if their Lordſhips have any Purpoſe to confer for the Reſidue, that then they will be ready at ſuch Time and Place, and with ſuch Number as their Lordſhips ſhall think meet. An. 1 James I. 1604.

Upon the laſt Meſſage to the Lords, the Meſſengers return, That their Lordſhips would preſently ſend Anſwer by Meſſengers of their own.

Sir *Edward Coke*, his Majeſty's Attorney-General, Dr. *Carew*, Dr. *Hone*, and Mr. *Tyndall*, delivered from the Lords, That their Lordſhips taking Notice in particular of the Return of the Sheriff of *Bucks*; and acquainting his Majeſty with it, his Highneſs conceived himſelf engaged and touched in Honour that there might be ſome Conference of it between the Two Houſes; and to that End, ſignified his Pleaſure unto them, and by them to this Houſe.

Upon this Meſſage, ſo *Extraordinary* and *Unexpected*, the Houſe entered into ſome Conſideration what were fit to be done; and it was *Reſolved*, That his Majeſty might be moved for Acceſs the next Day. And afterwards they underſtood his Pleaſure to be, That they ſhould attend at *Whitehall* at Eight the next Morning. But becauſe the Time was then ſomewhat far ſpent, they *Ordered*, That the Houſe, with Mr. Speaker, ſhould meet at Six the next Morning in the Houſe. Yet afore their Riſing, they thought fit to name a Committee of twenty-nine Members, to ſet down the Effect of that which Mr. Speaker was to deliver from the Houſe to the King, who were to meet at Four that Afternoon at the Parliament-Chamber in the *Middle-Temple*.

Accordingly on the 28th, Mr. Speaker, with a great Number of the Houſe, aſſembled at Six in the Morning, with a Purpoſe to treat and reſolve what ſhould be delivered to his Majeſty, (being appointed to attend him the ſame Morning at Eight) touching the Reaſons of their Proceeding in Sir *Francis Goodwin's* Caſe: But becauſe the Houſe was not then thought full enough for a Matter of that Conſequence, they proceeded to the Reading of Bills.

Upon

An. 1 James I. 1603. Upon Motion touching Mr. Speaker's Attendance on the King, a Committee was named to accompany him, conſiſting of *All the Privy-Council, being Members of the Houſe, and ſixty-ſeven more* (*q*).

Mr. Speaker, together with theſe Committees, were this Day, at Eight in the Morning, appointed to attend his Majeſty, and to relate the Reaſons of the Proceeding of the Houſe in Sir *Francis Goodwin's* Caſe; where, upon Anſwer or Reply, ſuch Lawyers as be of the Committee are to give their Aſſiſtance.

The next Day Mr. Speaker related what he had delivered to the King by Warrant from the Houſe, touching their Proceeding in Sir *Francis Goodwin's* Caſe, and his Majeſty's Anſwer; *whereof, becauſe Part was afterwards penned by Select Committees*, read in the Houſe, and offered in Writing to the King, he had but touched the Heads, omitting many Circumſtances. He ſaid, he Firſt delivered, 1. The Manner and Matter. 2. Then ſuch Precedents as had been vouched and ſtood upon. 3. He opened the Body of the Law for Election.

The Firſt Writ of Summons, dated *Ultimo Januarii* before the Parliament: The Writ iſſued duly: The Liberty was free, by that Writ, to chooſe in *Pleno Commitatu:* The Election was made according to that Writ, and the Indenture duly returned; *and therefore adjudged by the Houſe*, That this Firſt Election being good, the Second was conſequently void.

For the Matter of Utlawry againſt Sir *Francis Goodwin*, there was one proſecuted againſt him at the Suit of *Johnſon*, 31 *Eliz.* for 60 *l.* and was laid and proceeded in the *Huſtings*, *London*. Another, at the Suit of one *Hacker*, for 16 *l.* 39 *Eliz.* That Sir *Francis* had ſince been choſen, admitted, and ſerved as a Member of this Houſe, in the ſeveral Parliaments holden 39 and 43 *Eliz.* That the Utlawry remained in the *Huſtings*, ſo as the Law could not take Notice of it; neither was it

(*q*) There Namas are in the *Journals*: But, for Brevity's Sake, omitted here.

it pleadable. 1 *Eliz.* One *Smith* was found Utlawed, and Privileged by the Houſe. 22 *Eliz.* One *Vaughan* Utlawed, and, upon the Queſtion and Diviſion of the Houſe, Privileged, being carried with the Difference of ſix Voices. 35 *Eliz.* Three Precedents vouched. 39 *H.* VI (*r*). *Fitz-Herbert:* The Caſe not judged; but Opinions delivered. Mr. *John Killegree* having 52 Utlawries returned againſt him, was admitted to Serve in the Houſe. Sir *William Harecourt* was found Eighteen Times Utlawed, and yet was admitted to Serve.——The Manner of the Election is limited by the Statute. The ſuppoſed Utlawry, 31 *Eliz.* againſt Sir *Francis*, was no Utlawry at all; for whereſoever a Man is ſued, the Proclamation ought to go into the County where the Party dwelleth; or elſe the Utlawry is not good. 39 & 43 *Eliz.* The general Pardon is good for Utlawries, againſt all, ſaving the Party at whoſe Suit. 31 *Eliz.* It was *Franciſcus Goodwin*, Gen. 39 *Eliz.* *Franciſcus Goodwin*, Armig. *The Sheriff is no Judge* of the Utlawry, neither could take Notice it was the ſame Man; and therefore could not properly return him Utlawed. An. 1 James I. 1604.

That his Majeſty anſwered, He was loath he ſhould be forced to alter his Tune; and that he ſhould now change it into Matter of Grief, by way of Conteſtation. He did ſample it to the Murmur and Contradiction of the People of *Iſrael.* He did not attribute the Cauſe of his Grief to any Purpoſe in the Houſe to offend him; but only to a miſtaking of the Law. For Matters of Fact, he anſwered them all particularly, That for his Part he was indifferent which of them was choſen, Sir *John* or Sir *Francis:* That they could ſuſpect no ſpecial Affection in him, becauſe this was a Counſellor not brought in by himſelf. That he had no Purpoſe to impeach their Privilege; but ſince they derived

(*r*) The Accurate Editor of the printed *Journals* makes this Remark, 'The Words (39 *H.* VI.) ſeem to be improperly inſerted 'here, and are, in the Book of Notes, placed before the Citation 'of *Smyth's* Caſe, 1 *Eliz.* and in the Margin of the Journal itſelf 'againſt theſe Words is written, *Quære.*'

An. 1 James I. 1604. derived all Matters of Privilege *from him, and by his Grant*, he expected they ſhould not be turned againſt him. That there was no Precedent did ſute this Caſe fully: Precedents in the Times of *Minors*, of *Tyrants*, of *Women*, of *Simple Kings*, not to be credited; becauſe for ſome private Ends. By the Law this Houſe ought not to meddle with Returns, being all made into the *Chancery*, and are to be corrected or reformed by that Court only, into which they are returned. *An.* 35 *H.*VI. it was the Reſolution of all the Judges, That Matter of Utlawry was a ſufficient Cauſe of Diſmiſſion of any Member out of the Houſe. *That the Judges have now Reſolved*, That Sir *Francis Goodwin* ſtandeth Utlawed according to the Laws of this Land.

In Concluſion, it was his Majeſty's ſpecial Charge unto us,

That, Firſt, the Courſe already taken ſhould be truly Reported. 2. That we ſhould debate the Matter, and Reſolve amongſt ourſelves. 3. That we ſhould admit of Conference with the Judges. 4. That we ſhould make Report of all the Proceedings, unto the Council.

This Relation being made, the Houſe did not enter into any further Conſideration of the Matter at that Time; but *Reſolved, and Ordered*, That it ſhould be the Firſt Matter moved the next Morning.

March 30th, it was moved and urged by a Member, touching the Difference now on Foot between the King and the Houſe, That there is juſt Fear of ſome great Abuſe in the late Election. That in his Conſcience the King hath been much miſinformed; and that he had too many Miſinformers, which he prayed God might be removed or leſſened in their Number. That now the Caſe of Sir *John Forteſcue*, and Sir *Francis Goodwin was become the Caſe of the whole Kingdom.* That *Old Lawyers forget, and commonly interpret the Law according to the Time:* That by this Courſe the Free Election of the Country is taken away, and none ſhall be choſen, but ſuch as ſhall pleaſe the King and Council. Let us therefore, with Fortitude, Under-

derſtanding and Sincerity, ſeek to maintain our Privilege; which cannot be taken or conſtrued any Contempt in us, but meerly a Maintenance of our Common Right, which our Anceſtors have left us, and is juſt and fit for us to transfer to our Poſterity. An. 1 James I. 1604.

Another; For a Law to be made, That never any Man, Outlawed, ſhould ſhew his Face here again. The Difference, he obſerved, was ſome unreſpective Carriage towards his Majeſty in this Matter: And therefore let our Proceeding be dutiful and careful towards him, in adviſing of ſome ſpeedy Courſe to give his Majeſty Satisfaction; that is (as he conceived) according to the King's Project, Firſt, to adviſe amongſt ourſelves, and then to confer with the Judges, *not as Parliament-Men, but as Counſellors*; not as though they were to reverſe our Errors, but that we might be better informed; not now the Caſe of Sir *John* and Sir *Francis*, but a Caſe of great Difference between the King and us, wherein we are deeply to conſider the Conſequence if this Pique be bruited in the Country, abroad or beyond the Seas. It is fit we let the King ſee how much we take to Heart this Matter, ſythence our Affections have ſo much appeared in the paſſing and preſent Expediting of the Act of Recognition, *&c. Concl.* That we ſhould tender our humble Petition to his Majeſty, for Leave to make a Law for the Baniſhing of all Outlaws hereafter from the Parliament, and pray, That we may hold all our Privileges entire.

A Third, That we ought not to conteſt with the King; that it is fit to have a Conference: That by it we ſhall loſe no Privilege, but rather gain; for the Matters of the Conference will be Two, Satisfaction of the King, and putting in Certainty our Privilege. All is not yet ſaid that may be ſaid; we are not to diſpute with one that is Governor of Thirty Legions. *Confitendum eſt ne fruſtra interrogaſſet.* Let us deal plainly and freely with the Lords, and let them know all the Reaſons. They are jealous of the *Honour of a Privy-Counſellor, we of the Freedom of Election.* It

An. 1 James I. 1604. is fit great Men maintain their Prerogative; so is it fit that we maintain our Privileges. *This is a Court of Record*, therefore ought we by all Means to seek to preserve the Honour and Dignity of it. If a Burgess be chosen for Two Places, the Burgess makes his Choice for which he will serve, and a Warrant shall be directed from Mr. Speaker, in the Name of the House, to the Clerk of the Crown to send forth a Writ for a new Election for the other Place left; which is a direct Proof that it is a Court of *Power* and of *Record*. We have a Clerk and a Register; all Matters that pass here are entered of Record, and preserved. As they stand for the Honour of a Counsellor, so we for our Privileges. It is to be wished, That we had a Law to declare our Privileges, that we have a Court of Record and a Register. Obj. *We* (they say) *are but half of the Body, and the Lords are the Parts neareſt the Head. Anſ.* Nothing ascends to the Head but by the Breasts, *&c. Concl.* That we may pray it may be explained by a Law what our Privileges are; and that no Man Outlawed (*s*) may hereafter be admitted.

There must be a Judge of the Return before we sit; and this is now judged according to the positive Laws of the Realm by the King, which infringeth not our Liberty, since we judge after the Court is set, according to Discretion. No Precedent, That any Man was put out of the House for Utlawry; therefore it had been fit we should have desired to inform the King that he was misinformed. ——Let us now leave this particular Case to the King, and Consider and Resolve of the Material Questions that will fall out in the Debate of it. 1. Whether this Court hath Power to take Notice of Returns made before we sit here? 2. Whether Men Utlawed may be of the House? 3. Whether a Man pardoned, having not sued forth a Writ of *Scire facias*, may be called in Question? 4. Whether the Writ were returned the 17th of *February* or no, upon Oath of the Sheriff?

Some

(*s*) Sometimes *Utlawry* and *Utlawed*, sometimes *Outlawry* and *Outlawed*, in the Original.

Some others were ſtrong in Opinion, That we ought not to confer nor to commit, ſaying, That Majeſty had conferred with Juſtice; yet Majeſty had left the Stopping of the Wound to us. We ſhould taint ourſelves with Three great Blemiſhes, if we ſhould alter our Judgment, Levity, Cruelty and Cowardice. There be three Degrees of upright Judgment; Motion, Examination, Judgment: All theſe have paſſed us. No Court can reform their own Judgment. Every Day a Term here. Every Act that paſſeth this Houſe, is an Act of Parliament. Shall Juſtice float up and down? Shall he be a Member To-day, and ſhall we tear him off To-morrow? If the Member be ſound, it is Violence: If the Hand tear the reſt, it is Cruelty. No Part torn, but it may bleed to the Ruin of the whole.——Let Sir *Francis Goodwin* ſtand as he is: Duty and Courage may ſtand together; let not the Houſe be inveigled by Suggeſtions. This may be called a *Quo Warranto* to ſeize our Liberties. An. 1 James I. 1604.

There hath been Three Main Objections.

1. The King's Exception. *We could ſhew no Precedent in this Kind.* Anſw. *The King could ſhew no ſuch Writ before. Our Hands were never ſought to be cloſed before, nor we prevented. It opens a Gap to thruſt us all into the Petty Bag. A Chancellor may call a Parliament of what Perſons he will by this Courſe. Any Suggeſtion, by any Perſon, may be Cauſe of ſending a new Writ.*

2. *Objection* by the Lord Chief Juſtice. *By the Law we had nothing to do to examine Returns.* Anſw. *Judges cannot take Notice of private Cuſtoms or Privileges: But we have a Privilege which ſtands with the Law.* The Judges informed the King of the Law, but not of the Caſe of Privilege. It is true, 35 *H.* 6. all the Judges reſolved, That no Outlawed Man ought to be admitted; but that was Controlled by Parliament. It is the ſame Opinion now; let us controll it as then; we have done no Offence to the State: Let us therefore be conſtant in our own Judgment.

An. 1 James I. 1604. 3. *Objection.* * * * * * Another; *The King's Pleasure, That we should deliver the Reasons of that we have done to be just.*——If we clear our Contempt, we have discharged ourselves. The *King's-Bench* cannot reverse their Judgment the same Term; therefore not the Parliament. Let us send a Message to the Lords, That we are ready so to do, as we do not undo this House.

Others; *Non coronabitur qui non legitime certaverit.* Not to be termed a Difference between his Majesty and the Commons. *Rogamus, Auguste, non pugnamus.* The Question is not of Matter of Privilege, but of Judgment. Let us attend them as Lords of the Council, and not as Lords of Parliament.----- We do no ways Contest or Contend with his Majesty. The King is no way bound in Honour. If Writs go forth unduly, they may be controlled without Impeachment to the King's Honour. It is the Act of his Inferior Officers. It is now come to this Question, *Whether the Chancery or Parliament ought to have Authority?* Quest. *Whether we ought to satisfy the King in his Commandment?*

The King's Message was, That we should Consider within ourselves, and Resolve of ourselves; then no Need to confer with the Judges: If we cannot, then it is fit to be Resolved by the Judges. ---The Judges have judged, and we have judged; What Need then of Conference? Let there be no Spark of that Grace taken from us, which we have had already from his Majesty. Let our Reasons be put into Articles, and delivered in all Humbleness unto him.

Upon the Conclusion of this Debate in this Manner, the House proceeded to Question; and the first was.-----1. Q. *Whether the House was Resolved in the Matter?*

And the Question was Answered by general Voice, that the whole House was Resolved.------ 2. Q. *Whether the Reasons of their Proceeding shall be set down in Writing?* And it was *Resolved*, That they shall, and Ordered further, That a Committee should be named for that Purpose, and appointed

appointed first to set them down in Writing, and to bring them to the House, there to be published, and to receive their Allowance. An. 1 James I. 1604.

A Committee was instantly named, consisting of Mr. Recorder of *London*, Mr. Sollicitor, Mr. Attorney of the Wards, All the Serjeants at Law, and thirty-seven Members more. To meet this Afternoon, at Two, in the *Exchequer*-Chamber.

The Authority given unto them by the House, was this :------The House being resolved, upon the Question, That the Reasons of their precedent Resolution, touching the Return, Admittance and Retaining of Sir *Francis Goodwin* as a Member of this House, should be set down in Writing; these Committees were specially appointed to perform that Service, and have Warrant from the House to send for any Officer, to View and Search any Record, or other Thing of that Kind, which may help their Knowledge or Memory in this particular Service : And having deliberately by general Consent set down all such Reasons, they are to bring them in Writing into the House, there to be Read and Approved, as shall be thought fit.

April 2. it was moved, That Committees might be named to take the Examination of the Sheriff of *Buckinghamshire*, who was by former Order sent for, and now come. And a Committee was named and appointed to take his Examination presently.

Sir *Charles Cornwallis* moved in Excuse of Sir *Francis Goodwin's* Absence from the House, and prayeth, That they would as well in their own Judgment pardon it, as witness and affirm his Care and Modesty, upon all Occasions, to the King, in that he hath forborn, during all the Time of this Question, to come into the House.

The Examination of the Sheriff having been presently taken by the Committees, was returned in this Form.------Interr. 1. *Why he moved the County from* Aylesbury *to* Brickhill ?

He saith, It was by Reason of the Plague being at *Aylesbury*, the County being the 25th of *Janu-*

An. 2 James I. 1604. *ary*, at which Time three were dead of the Plague there. This was the only Motive of removing his Country.

Interr. 2. *Whether he were present at the first Election?*---He was present, and was as faithful to wish the second Place to Sir *Francis Goodwin*, as the first to Sir *John Fortescue*; sent Sir *Francis Goodwin* word, before the Election, he should not need to bring any Freeholders, for the Election he thought would be without Scruple for them both; first to Sir *John*, second to Sir *Francis*. About Eight o'Clock he came to *Brickhill*; was then told by Sir *George Throckmorton*, and others, That the first Voice would be given for Sir *Francis*; he answered, He hoped it would not be so, and desired every Gentleman to deal with his Freeholders. After Eight went to the Election, a great Number there being Chi'dren; never at the County. After the Writ read, he first intimated the Points of the Proclamation; then jointly propounded Sir *John Fortescue* and Sir *Francis Goodwin*. The Freeholders cried first, *A Goodwin, A Goodwin:* Every Justice of Peace on the Bench said, *A Fortescue, A Fortescue*; and came down from the Bench before they named any for a second Place, and desired the Freeholders to name Sir *John Fortescue* for the first. Sir *Francis Goodwin*, being in a Chamber near, was sent for by the Sheriff and Justices; and he came down and earnestly preswaded with the Freeholders, saying, *Sir* John *was his good Friend, had been his Father's, and that they would not do Sir* John *that Injury:* Notwithstanding the Freeholders would not desist, but all cried, *A Goodwin, A Goodwin*; some crying, *A Fortescue*, to the Number of 60 or thereabouts, the other for Sir *Francis Goodwin*, being about 200 or 300; and Sir *Francis Goodwin*, to his thinking, dealt very plainly and earnestly in this Matter for Sir *John Fortescue*; for that Sir *Francis Goodwin* did so earnestly protest it unto him.

Interr. 3. *Who laboured him to make the Return so long before the Day of the Parliament?*------He being here in *London*, Mr. Attorney-General,

the

the 2d of *March*, at his Chamber in the *Inner-Temple*, delivered him two *Cap. Utlagat.* againſt Sir *Francis Goodwin*; and before he made his Return, he went and adviſed with Mr. Attorney about his Return, who penned it, and ſo it was done by his Direction: And the Return being written, upon *Friday* after the King's Coming through *London*, near about my Lord Chancellor's Gate, in the Preſence of Sir *John Forteſcue*, he delivered the Writ, to Sir *George Coppin*: And at this Time (it being about Four in the Afternoon) and before they parted, Sir *John Forteſcue* delivered him the ſecond Writ ſealed; Sir *John Forteſcue*, Sir *George Coppin*, and himſelf, being not above an Hour together at that Time, and never had but this new Writ of Parliament to him delivered. An. 1 James I. 1604.

Subſcribed, *Francis Cheyne.*

This was returned by the Committee to the Hands of the Clerk, but not at all read in the Houſe.

Mr. Speaker remembreth the Matter of Conference with the Judges, and offereth to repeat and put again the Queſtions that were formerly made; being before uncertainly and unperfectly left (as he ſaid) in the Caſe of *Buckinghamſhire*, viz.

1. *Whether the Houſe were reſolved in the Matter?*

2. *Whether they ſhould confer with the Judges?*

And at length induced the Houſe to entertain the latter Queſtion; and, being made, was carried by general Voice in the Negative, *No Conference.*

Upon this Paſſage, it was urged for a Rule, That a Queſtion being once made, and carried in the *Affirmative* or *Negative*, cannot be queſtioned again; but muſt ſtand as a Judgment of the Houſe.

It was thought fit that Mr. Speaker ſhould attend the Committee for penning the Reaſons in Sir *Francis Goodwin's* Caſe, not by Commandment, but Voluntarily of himſelf.

The next Day the Reaſons of the Proceeding of the Houſe in Sir *Francis Goodwin's* Caſe, penned

An. 1 James I. 1604. ned by the Committee, were, according to former Order, brought in by Mr. *Francis Moore*, and read by the Clerk, directed in Form of a Petition.

To the KING's Moſt Excellent Majeſty.

The Humble Anſwer of the Commons *Houſe of Parliament to His Majeſty's Objections in Sir* Francis Goodwin's *Caſe.*

MOST Gracious, our Dear and Dread Sovereign, Relation being made to Us by our Speaker, of Your Majeſty's Royal Clemency and Patience in hearing us, and of Your Princely Prudence in diſcerning; ſhewing affectionate Deſire rather to receive Satisfaction to clear us, than Cauſe to pardon us: We do in all Humbleneſs render our moſt bounden Thanks for the ſame; proteſting, by the Bond of our Allegiance, That we never had Thought to offend Your Majeſty; at whoſe Feet we ſhall ever lie proſtrate, with Loyal Hearts, to ſacrifice our ſelves and all we have for Your Majeſty's Service: And in this Particular, we could find no Quiet in our Minds, that would ſuffer us to entertain other Thoughts, until we had addreſſed our Anſwer to Your Moſt Excellent Majeſty; for which, nevertheleſs, we have preſumed of the longer Time, in reſpect we have prepared ſome Precedents, requiring Search, to yield Your Majeſty better Satisfaction.'

There were objected againſt us by Your Majeſty and Your Reverend Judges, Four Things, to impeach our Proceedings, in receiving *Francis Goodwin*, Knight, into our Houſe.

Objection 1. The Firſt, *That we aſſume to our ſelves Power of Examining of the Elections and Returns of Knights and Burgeſſes, which belongeth to Your Majeſty's* Chancery, *and not to us: For that all Returns of Writs were examinable in the Courts wherein they are returnable; and the Parliament Writs being returnable into the* Chancery, *the Returns of them muſt needs be there examined, and not with us.*

Our

Our Humble Anſwer is, That, until the 7th Year of King *Henry* IV. all Parliament Writs were returnable into the Parliament; as appeareth by many Precedents of Record ready to be ſhewed, and conſequently the Returns there examinable: In which Year a Statute was made, That thenceforth every Parliament Writ, containing the Day and Place where the Parliament ſhall be holden, ſhould have this Clauſe, viz. *Et Electionem tuam in pleno Comitatu factam, diſtincte & aperte, ſub Sigillo tuo & Sigillis eorum, qui Electioni illi interfuerint, nobis in Cancellariam noſtram ad Diem & Locum in Brevi content' certifices indilate* (*t*). An. 1 James I. 1604.

By this, although the Form of the Writ be ſomewhat altered, yet the Power of the Parliament to examine and determine of Elections, remaineth; for ſo the Statute hath been always expounded ever ſithence, by Uſe to this Day: And for that Purpoſe, both the Clerk of the Crown hath always uſed to [attend] all the Parliament Time, upon the Commons Houſe, with the Writs and Returns; and alſo the Commons in the Beginning of every Parliament, have ever uſed to appoint ſpecial Committees, all the Parliament Time, for examining Controverſies concerning Elections and Returns of Knights and Burgeſſes: During which Time, the Writs and Indentures remain with the Clerk of the Crown; and after the Parliament ended, and not before, are delivered to the Clerk of the Petty-Bag in *Chantery*, to be kept there; which is warranted by Reaſon and Precedents: Reaſon; for that it is fit that the Returns ſhould be in that Place examined, where the Appearance and Service of the Writ is appointed. The Appearance and Service is in Parliament, therefore the Return examinable in Parliament.

Precedents: One in the 29th Year of the Reign of the late Queen *Elizabeth*, where, after one Writ awarded into *Norfolk* for the Choice of Knights, and Election made and returned, a ſecond was, before the Parliament-Day, awarded by the Ld. Chancellor, and thereupon another Election and Return made

(*t*) See Vol. II. p. 105.

An. 1 James I. 1604. made; and the Commons being attended with both Writs and Returns by the Clerk of the Crown, examined the Cauſe, allowed the Firſt, and rejected the Second. So *Anno* 23 *Elizabethæ Reginæ*, a Burgeſs was returned dead, and a new choſen, and returned by a new Writ: The Party returned dead appeared; the Commons, notwithſtanding the Sheriff's Return, admitted the Firſt choſen, and rejected the Second. Alſo, the ſaid 23d Year, a Burgeſs choſen for *Hull* was returned Lunatick, and a new choſen upon a Second Writ: The Firſt claimed his Place; the Commons examined the Cauſe, and finding the Return of Lunrcy to be true, they refuſed him; but if it had been falſe, they would have received him. *Anno* 43 *Elizabethæ*, the Sheriff of *Rutlandſhire* returned himſelf elected; the Commons finding that he was not eligible by Law, ſent a Warrant to the *Chancery* for a new Writ to chuſe anew. *Anno* 43 *Eliz.* alſo a Burgeſs was choſen Burgeſs for two Boroughs; the Commons, after he had made Election which he would ſerve for, ſent Warrant to the *Chancery* for a Writ to chuſe a new for the other Borough: Of which kind of Precedents there are many other, wherewith we ſpare to trouble your Majeſty. All which together, *viz.* Uſe, Reaſon and Precedents, do concur to prove the *Chancery* to be a Place appointed to receive the Returns, as to keep them for the Parliament, but not to judge of them; and the Inconvenience might be great, if the *Chancery* might, upon Suggeſtions or Sheriffs Returns, ſend Writs for new Elections, and thoſe not ſubject to Examination in Parliament: For ſo, when fit Men were choſen by the Counties and Boroughs, the Lord Chancellor, or the Sheriffs, might diſplace them, and ſend out new Writs, until ſome were choſen to their Liking; a Thing dangerous in Precedents for the Time to come, howſoever we reſt ſecurely from it at this preſent by the now Lord Cancellor's Integrity.

Object. 2. *That we dealt in the Cauſe with too much Precipitation, not ſeemly for a Council of Gravity,*

vity, and without Respect to your most excellent Majesty, our Sovereign, who had directed the Writ to be made; and being but half a Body, and no Court of Record alone, refused Conference with the Lords, the other half, notwithstanding they prayed it of us. An. 1 James I. 1604.

Our humble Answer is, to the Precipitation, That we entered into this Cause, as in other Parliaments of like Cases hath been accustomed; calling to us the Clerk of the Crown, and viewing both the Writs, and both the Returns; which in Cases of * * * * * * * and Motions, though not of Bills (requiring three Readings,) hath been Warrant by continual Usage amongst us: And thereupon, well finding that the latter Writ was awarded and sealed before the *Chancery* was repossessed of the former, which the Clerk of the Crown, and the Sheriff of the County, did both testify, and well held to be a clear Fault in Law, proceeded to Sentence with the less Respect of the latter Election. For our Lack of Respect to your Majesty, we confess, with Grief of our Hearts, we are right sorry it shall be so conceived; protesting, That it was no way made known unto us before that Time, that your Majesty had taken to yourself any special Notice, or directed any Course in that Cause, other than the ordinary awarding Writs by your Highness's Officers in that Behalf: But if we had known as much (as some will have) by your Majesty's royal Mouth, we would not, without your Majesty's Privity, have proceeded in that Manner. And further, it may please your Majesty to give us Leave to inform you, That in the Examination of the Cause, the Sheriff avouched unto us, That *Goodwin* agreed to yield the First Place of the Two Knights to Sir *John Fortescue*, and in his own Person, at the Time of Election, with extraordinary Earnestness, entreated the Electors it might so be, and caused the Indentures to be made up to that Purpose; but the Electors utterly refused to seal them. Concerning our refusing Conference with the Lords, there was none

desired

An. 1 James I. 1604. desired until after our Sentence passed; and then we thought, That in a Matter private to our own House, which, by Rules of Order, might not be by us revoked, we might, without any Imputation, refuse to confer. Yet understanding by their Lordships, That your Majesty had been informed against us, we made haste (as in all Duty we were bound) to lay open to your Majesty, our good and gracious Sovereign, the whole Manner of our Proceeding; *not doubting, though we were but Part of a Body, as to make new Laws, yet for any Matter of Privileges of our House, we are and ever have been a Court of ourselves, of sufficient Power to discern and determine without their Lordships, as their Lordships have used always to do for theirs without us.*

Object. 3. *That we have, by our Sentence of receiving* Goodwin, *admitted, That Outlaws may be Makers of Laws; which is contrary to all Laws.*

Our humble Answer is, That notwithstanding the Precedents which we truly delivered, of admitting and retaining Outlaws in Personal Actions in the Commons House, and none remitted for that Cause; yet we received so great Satisfaction, delivered from your royal Majesty's own Mouth, with such excellent Strength and Light of Reason, more than before, in that Point, we heard or did conceive, as we forthwith prepared an Act to pass our House, That all Outlaws henceforth shall stand disabled to serve in Parliament: But as concerning *Goodwin's* Particular, it could not appear unto us, having thoroughly examined all Parts of the Proceedings against him, That he stood an Outlaw, by the Laws of *England*, at the Time of the Election made of him by the County; and that for two Causes: The First is, That where the Party Outlawed ought to be five Times proclaimed to appear in the Sheriff's County Court; and then not appearing, ought to be adjudged Outlawed by the Judgment of the Coroners of the County; there appeareth no Record made in the *Hustings* of *London*, that *Goodwin* was five Times proclaimed, or that

that the Coroners gave Judgment of Outlawry againſt him: But a Clerk lately come to that Office, hath now, many Years after the Time, and ſince this Election, made Entries, interlined with a new Hand, that he was Outlawed: To which new Entries we could give no Credit, for that the Parties, at whoſe Suit *Goodwin* was ſued, have teſtified in their Writings of Releaſe, That they never proceeded further than to take out the Writ of *Exigent* for an Outlawry; and being then paid their Money, deſiſted there: By which we find, That *Goodwin* was not five Times proclaimed, nor adjudged Outlawed, being a Thing uſual in *London* to ſpare that Proclamation, and Judgment, if the Party call not upon it; and no Record being made for many Years together that either of them was done. An. 1 James I. 1604.

The Second Cauſe was, for that the Writ of *Exigent*, by which the Sheriff was commanded to proclaim him five Times, was never lawfully returned, nor certified by *Certiorari*; without which we take it, that *Goodwin* ſtood not diſabled as an Outlaw.

To this, adding the two general Pardons by Parliament, which had cleared the Outlawry in Truth and Subſtance (if any were;) and that *Goodwin* could not apply the Pardons by *Scire fa.* for that no Record nor Return was extant of the Outlawry, whereupon he might ground a *Scire fa.* we were of Opinion, and ſo your Majeſty's moſt Reverend Judges would have been if they had known thus much, That *Goodwin* ſtood not diſabled by Outlawry to be Elected or Serve in Parliament: But when we conſidered further, That the Courſe taken againſt *Goodwin* for drawing him into this Outlawry of Purpoſe to diſable him to ſerve in this Place, whereto the County had freely elected him, was unuſual; we could not with the Reputation of our Places, ſerving as a Council of Gravity, in Allowance or Continuance of that Courſe, cenſure him to be rejected as an Outlaw: The Particulars of which were theſe, *viz.*

Two

An. 1 James I. 1604.

Two Exigents awarded, * * * * * * the other ſeven Years paſt to the *Huſtings* in *London*: No Entry made of five Proclamations; nor of any Judgment of the Coroners; nor any Return of the Exigents made or endorſed; the Party Plaintiff ſatisfied, the pretended Outlawries being but upon mean Proceſs: And as to your Majeſty's Duties and Contempts pardoned now ſince *Goodwin* was elected Knight, the Exigent now ſought out ſince the Election procured to be returned in the Name of the Sheriffs that then were, and are long ſince dead, and new Entry made of the five Proclamations and Coroner's Judgment; and now a Return made of that old Exigent, which could be of no Uſe, but only for a Purpoſe to diſable him for that Place. Upon all which we could do no leſs, in true Diſcretion, than certify the Election made *Secundum æquum et bonum.*

Object. 4. *That we proceeded to examine the Truth of the Fact of Outlawry, and gave our Sentence upon that; whereas we ought to have been bound by the Sheriffs Return of the Outlawry from further Examining, Whether the Party were Outlawed or not?*

Our humble Anſwer is, That the Precedents cited before, in our Anſwer to the firſt Objection, do prove the Uſe of the Commons Houſe to Examine *Veritatem facti*, *in Elections* and Returns, and have not been tied peremptorily to allow the Return; as if a Knight or Burgeſs be untruly returned Dead, or Lunatick, yet when he appeareth to the Houſe to be Living and Sound, they have, contrary to the Return, received him into the Houſe, preferring the Truth manifeſt before the Return. By which diſcreet Proceeding there is avoided that great Inconvenience abovementioned of giving Liberty to Sheriffs, by untrue Returns, to make and remove whom they liſt, to and from the Parliament Service, how meet ſoever the Parties be in the Judgment of the County or Borough that elected them.

Thus

Thus in all Humility we have presented to your most Excellent Majesty the Grounds and Reasons of our late Action, led with no Affections, but guided by Truth, warranted in our Consciences, imitating Precedents, maintaining our ancient Privileges, honouring your Excellent Majesty in all your Services; to which in all Loyalty and Devotion we bind us, and ours for ever, praying daily on the Knees of our Hearts, to the Majesty of the Almighty, that your Majesty and your Posterity may in all Felicity reign over us and ours to the End of the World. An. 1 James I. 1604.

These Reasons set down and published to the House, Mr. Secretary *Herbert* was sent with Message to the Lords, that the House had resolved of their Answer to his Majesty, in Sir *Francis Goodwin's* Case, and had set it down in Writing, and that it should be sent to their Lordships before Four in the Afternoon; who immediately returned their Lordships Answer, That they would be ready at that Time in the *Council Chamber* at *Whitehall*, with Thirty of the Lords, to receive what then should be delivered. Then were named Threescore to attend the Delivery of the said Reasons at the Time and Place aforesaid.

The same Day in the Afternoon, the House entering seriously into Consultation what Course was to be held with the Lords; as also falling into more Length of Disputation, touching the Bill of Merchants, than were expected, sent five Members as Messengers to the Lords to excuse their long tarrying. And about Five o'Clock, the Committee appointed did attend to deliver the Reasons aforesaid, at the *Council Chamber*, according to Appointment and Order of both Houses; and they were delivered by Sir *Francis Bacon*, one of the Committees, with desire, That their Lordships would be Mediators in Behalf of the House, for his Majesty's Satisfaction.

April 4. Sir *Francis Bacon* having the Day before delivered to the Lords in the *Council-Chamber* at *Whitehall*, according to the Direction of the House

An. 1 James I. 1604. House, the Reasons in Writing penned by the Committee touching Sir *Francis Goodwin's* Case, made Report of what passed at the Time of the said Delivery.

First, That though the Committees employed were a Number specially deputed and selected; yet that the Lords admitted all Burgesses without Distinction; that they offered it with Testimony of their own Speed and Care in the Business, so as they said no one Thing had Precedency, but only the Bill of Recognition; that they had such Respect to the Weight of it, as they had not committed it to any Frailty of Memory, or verbal Relation, but put it into Writing for more permanent Memory of their Duty and Respect to his Majesty's Grace and Favour: That in Conclusion they *prayed their Lordships, sithence they had nearer Access, they would co-operate with them for the King's Satisfaction*; and so delivered the Writing to the Hands of the Lord Chancellor, who receiving it, demanded, Whether they should send it to the King, or first peruse it? To which was answered; That since it was the King's Pleasure they should concur, they desired their Lordships would first peruse it. The Lord *Cecil* demanded, Whether they had Warrant to Amplify, Explain, or Debate any Doubt or Question made upon the Reading? To which it was said, They had no Warrant. And so the Writing was read, and no more done at that Time.

April 5th, Mr. Speaker, by a private Commandment, attended the King this Morning at Eight, and there staid till Ten. Mr. Speaker excused his Absence, by reason he was commanded to attend his Majesty; and brought Message from his Majesty to this Effect. That the King had received a Parchment from the House. Whether it were an absolute Resolution, or Reason to give him Satisfaction, he knew not: He thought it was rather intended for his Satisfaction. His Majesty protested, by that Love he bare to the House as his Loving and Loyal Subjects, and by the Faith he did ever owe to God, he had as great a Desire to maintain their Privileges, as ever

any Prince had, or as themſelves. He had ſeen and conſidered of the Manner and the Matter: He had heard his *Judges* and his *Council*; and that he was now diſtracted in Judgment. Therefore, for his further Satisfaction, he deſired, and commanded, *as an Abſolute King*, that there might be a Conference between the Houſe and the Judges; and that for that Purpoſe there might be a Select Committee of Grave and Learned Perſons out of the Houſe: That his Council might be preſent, *not as Umpires to determine, but to Report indifferently on both Sides.* An. 2 James I. 1604.

Upon this Unexpected Meſſage there grew ſome Amazement and Silence. But at laſt One ſtood up and ſaid, The Prince's Command is like a Thunder-Bolt; his Command upon our Allegiance like the Roaring of a Lion. To his Command there is no Contradiction; but how, or in what Manner we ſhould now proceed to perform Obedience, that will be the Queſtion.

Another anſwered, Let us petition to his Majeſty, that he will be pleaſed to be preſent, to hear, moderate, and judge the *Caſe* himſelf. Whereupon Mr. Speaker proceeded to this Queſtion: Q. *Whether to Confer with the Judges in the Preſence of the King and Council?* Which was reſolved in the Affirmative. And a ſelect Committee preſently named for the Conference, conſiſting of twenty-one Lawyers, and ſixteen other Members.

Theſe Committees were ſelected and appointed to Confer with the Judges of the Law, touching the Reaſons of proceeding in Sir *Francis Goodwin's* Caſe ſet down in Writing, and delivered to his Majeſty in the Preſence of the Lords of his Majeſty's Council, according to his Highneſs's Pleaſure ſignified by Mr. Speaker this Day to the *Houſe*.

It was further Reſolved and Ordered by the Houſe, upon the Motion to that End by Mr. *Laurence Hyde* (*u*), That the aforeſaid Committees ſhould inſiſt upon the Fortification, and Explaining of the Reaſons and Anſwers delivered unto his Majeſty;

(*u*) This Member diſtinguiſhed himſelf greatly in the Affair of Monopolies, *An.* 43 *Eliz.* See Vol. IV. p. 452, &c.

An. 2 James I. 1604. Majesty; and not proceed to any other Argument or Answer, what Occasion soever moved in the Time of that Debate.

April 11th, the House being met according to Adjournment, Sir *Francis Bacon* was expected, and called, to make a Report of the late Conference with the Judges in the Presence of his Majesty and the Lords of the Council: But he made Excuse, saying, he was not Warranted to make any Report; and *tantum pervisum quantum commissum*: Nevertheless, upon a Question, he was over-ruled to make a Report; and a Motion thereupon made, That the Committees might first assemble in the Court of Wards, and confer amongst themselves, and then the Report to be made.

Sir *Francis Bacon*, after the Meeting of the Committees in the Court of Wards, reported what had passed in Conference in the Presence of his Majesty and his Council. "The King said, he would be President himself.---This Attendance renewed the Remembrance of the last, when we departed with such Admiration. It was the Voice of God in Man: The good Spirit of God in the Mouth of Man. I do not say, the Voice of God, and not of Man. I am not one of *Herod's* Flatterers. A Curse fell upon him that said it: A Curse on him that suffered it. We might say as was said to *Solomon*, We are glad, O King, that we give Account to you, because you discern what is spoken. We let pass no Moment of Time, until we had resolved and set down an Answer in Writing, which we now had ready.------That hithence we received a Message from his Majesty by Mr. Speaker, of Two Parts: 1. The one Paternal. 2. The other Royal. 1. That we were as dear unto him as the Safety of his Person, or the Preservation of his Posterity. 2. Royal, That we should Confer with his Judges, and that in the Presence of himself and his Council: *That we did more now to King* James *than ever was done since the Conquest, in giving Account of our Judgments.* That we had no Intent in all our Proceedings, to encounter his Majesty,

Majesty, or to impeach his Honour or Prerogative. An. 2 James I. 1604.
-----This was spoken by way of Preamble by him you employed.-----How to Report his Majesty's Speeches he knew [not] The Eloquence of a King was unimitable.

The King addressed himself to him as deputed by the House, and said he would make three Parts of what he had to say. The Cause of the Meeting was to draw to an End the Difference in Sir *Francis Goodwin's* Case. If they required his Absence, he was ready; because he feared he might be thought interested, and so breed an Inequality on their Part. He said, That he would not hold his Prerogative or Honour, or receive any Thing of any or all his Subjects: This was his Magnanimity. That he would confirm and ratify all just Privileges: This his Bounty and Amity. As a King, royally: As King *James*, sweetly and kindly out of his good Nature.

One Point was, Whether we were a Court of Record, and had Power to judge of Returns. As our Court had Power, so had the *Chancery*; and that the Court that first had passed their Judgment should not be controuled. Upon a Surmise, and upon the Sheriffs Return, there grew a Difference. ---That there be Two Powers. One Permanent: The other, Transitory. That *the* Chancery *was a Confidenciary Court to the Use of the Parliament during the Time.* Whatsoever the Sheriff inserts beyond the Authority of his Mandate, a Nugation. The Parliaments of *England* not to be bound by a Sheriff's Return.

That our Privileges were not in Question. That it was private Jealousies without any Kernel or Substance. *He granted it was a Court of Record, and a Judge of Returns.* He moved, That neither Sir *John Fortescue*, nor Sir *Francis Goodwin* might have Place. Sir *John* losing Place, his Majesty did meet us half Way. That when there did arise a Schism in the Church between a Pope and an Anti-Pope, there could be no End of the Difference until they were both put down.

An. 2 James I. 1604. Upon this Report a Motion was made, That it might be done by way of Warrant; and therein to be inſerted, That it was done at the Requeſt of the King: And was further ſaid, (as anciently it hath been ſaid) That we loſe more at a Parliament than we gain at a Battle. That the Authority of the Committee was only to fortify what was agreed on by the Houſe for Anſwer, and that they had no Authority to conſent.

It was further moved, by another, That we ſhould proceed to take away our Diſſenſion, and to preſerve our Liberties; and ſaid, That in this we had exceeded our Commiſſion; and that we had drawn upon us a Note of Inconſtancy and Levity.-----But the Acclamation of the Houſe, was, That it was a Teſtimony of our Duty, and no Levity.

So as the Queſtion was preſently made:

Q. Whether Sir *John Forteſcue* and Sir *Francis Goodwin* ſhall both be ſecluded, and a Warrant for a new Writ directed. And upon the Queſtion, *Reſolved*, That a Writ ſhould iſſue for a new Choice, and a Warrant directed accordingly.

A Motion made, That Thanks ſhould be preſented by Mr. Speaker to his Majeſty, for his Preſence and Direction in this Matter; and thereupon ordered, That his Majeſty's Pleaſure ſhould be known by Sir *Roger Aſton* for their Attendance accordingly.

Becauſe it had been conceived by ſome, that Sir *Francis Goodwin* being the Member ſpecially intereſted, it were fit he ſhould give Teſtimony of his Liking and Obedience in this Courſe; being dealt withal to that End he writ his Letter to Mr. Speaker; *which, before this Queſtion made, for better Satisfaction of the Houſe, was read in theſe Words:*

SIR,

I AM heartily ſorry to have been the leaſt Occaſion either of Queſtion between his Majeſty and that Honourable Houſe, or of Interruption to theſe worthy and weighty Cauſes, which by this Time, in all Likelihood, had been in very good Furtherance: Wherefore under-

underſtanding very credibly, that it pleaſed his Ma- An. 2 James I. 1604.
jeſty, when the Committees laſt attended him, to take Courſe with them for a Third Writ and Election for the Knighthip of the County of Buckingham; *I am ſo far from giving any Impediment thereunto, that contrariwiſe, I humbly deſire his Majeſty's Direction in that Behalf to be accompliſhed and performed. So praying you, according to ſuch Opportunity as will be miniſtred, to give Furtherance thereunto, I take my Leave, and reſt*

Weſt. *this* 11*th of* April, 1604. *Yours, Moſt aſſured to be Commanded,*

Fra. Goodwin."

Directed,
To the Right Worſhipful Sir Edward Phelips, *Knt. Speaker of the Honourable Court of Parliament.*

April 12th, a Motion was made, That Mr. Speaker, in Behalf of the Houſe, ſhould Pray Acceſs to his Majeſty, and Preſent their Humble Thanks for his gracious Preſence and Direction, upon the Hearing of Sir *Francis Goodwin's* Cauſe; which was aſſented unto: And Sir *Roger Aſton*, a Servant of his Majeſty's Bed-Chamber, and one of the Members of the Houſe was preſently appointed to know his Majeſty's Pleaſure; which he did accordingly; and returned, That his Majeſty was willing to give them Acceſs in the Gallery at *Whitehall*, at Two in the Afternoon, the ſame Day. Thereupon a Committee was named to attend Mr. Speaker to the King, with a General Warrant to all Others that ſhould be pleaſed to accompany them.

The Committee, ſpecially named, were, All the Privy Council of the Houſe, and Thirty-eight Members more.

Accordingly, the next Day, Mr. Speaker returned to the Houſe the Effect of his Meſſage of Thanks, Delivered in the Name of the Houſe to the King; as alſo of his Majeſty's Anſwer, *viz.*

That he related to his Highneſs the Humble and Dutiful Acceptation of what his Majeſty had done, ogether with the humble Thanks of the Houſe

An. 2 James I. 1604. for his Zealous and Paternal Delivery of his Grace unto Us, by his own Mouth: What Wonder they conceived in his Judgment, what Joy in his Grace, what Comfort they had in his Juſtice, what Approbation they made of his Prudence, and what Obedience they yielded to his Power and Pleaſure.

That his Direction gave all Men Satisfaction. That they were determined to purſue the Courſe he had preſcribed. That now they were become Suitors, he would be pleaſed to receive a Repreſentation of the humble Thanks and Service of the Houſe.

His Majeſty anſwered, That upon the Second Acceſs, he was forced to reiterate what he had ſaid before. That this Queſtion was unhappily caſt upon him, for he carried as great a Reſpect to Our Privileges as ever any Prince did; he was no Ground-Searcher; he was of the Mind that our Privileges was his Strength: That he thought the Ground of our Proceeding, was our not underſtanding that he had intermeddled before We had decided: That he thought alſo We had no Wilful Purpoſe to derogate any thing from him, for Our Anſwer was a grave, dutiful, and obedient Anſwer.

But as the Devil had unhappily caſt this Queſtion between them, ſo he ſaw God had turned it to two good Ends and Purpoſes. 1. One That he knew and had approved our Loyalty. 2. Another, That he had ſo good an Occaſion to make Teſtimony of his Bounty and Grace.

That as we came to give him Thanks, ſo did he redouble his Thanks to Us. That he had rather be a King of ſuch Subjects, than to be a King of many Kingdoms.

The Second Part of his Speech directed to the Lords and Us.-----That this Parliament was not like to be long. That we would treat of ſuch Matters, as moſt concerned the Common-Wealth; and the laſt, of any thing that concerned himſelf.--Three main Buſineſſes in our Hands: 1. The Union. 2. Sundry Publick and Commonwealth-Bills. 3. Matter of Religion, and Reformation of Eccleſiaſtical Diſcipline,

cipline.-----For the Union, that it might be now prepared, and profecuted the next Seſſion. That Union, which with the Loſs of much Blood could never be brought to paſs, as now it is. That the better to bring it to paſs, We ſhould be in Affections united. An. 2 James I. 1604.

That we ſhould firſt with all Care proceed in ſuch Laws as might concern the general Good.

That all Hereſies and Schiſms might be rooted out, and Care taken to plant and ſettle God's true Religion and Diſcipline in the Church.-----That his Wiſh above all Things, was at his Death to leave, One Worſhip to God. One Kingdom entirely Governed. One Uniformity in Laws.

Laſtly, That his Occaſions were Infinite, and much beyond thoſe of his Predeceſſors; and therefore that in this firſt Parliament We would not take from him that which We had yielded to Others.----That in his Affections he was no way Inferior to others, nor in his Deſire to eaſe Us.

Then the Warrant for a New Election of a Knight for *Bucks*, was read and allowed in this Form:

Whereas the Right Honourable Sir John Forteſcue, *Knight, Chancellor of his Majeſty's Dutchy of* Lancaſter, *and Sir* Francis Goodwin, *Knight, have been ſeverally Elected and Returned Knights of the Shire for the County of* Bucks, *to ſerve in this preſent Parliament: Upon deliberate Conſultation, and for ſome Special Cauſes moving the Commons Houſe of Parliament: It is this Day Ordered and Required by the ſaid Houſe, That a Writ be forthwith Awarded for a New Election of another Knight for the ſaid Shire; And this ſhall be your Warrant* (z).

Directed,

To my very Loving Friend, Sir George Coppin, *Knight, Clerk of the Crown in His Majeſty's Higher Court of Chancery.*

To go on with the Proceedings of the Lords in this Parliament:------According to the Credulity of thoſe Times, a very ſevere Bill was framed and

(z) Notwithſtanding Sir *Francis Goodwin* was thus removed out of the Houſe, he was ſoon after elected for the *Town* of *Buckingham*, on the Deceaſe of Sir *Edward Terrel*, Knt.

Willis's *Notitia Parliamentaria.*

An. 2 James I. 1604. brought into that Houſe, *Againſt Conjuration, Witchcraft, and Dealing with evil Spirits.* On the ſecond Reading, the Bill was referred to a large Committee, in which were included twelve Biſhops. This Bill paſſed into a Law; and by it it was enacted (*a*),

An Act againſt Witchcraft. 'That if any Perſons ſhall uſe, practiſe, or exerciſe any Invocation or Conjuration of any wicked or evil Spirit; or ſhall conſult, covenant with, entertain, employ, or feed, any ſuch Spirit, *&c.* the firſt Offence to be Impriſonment for a Year, and ſtanding in the Pillory once a Quarter; the next to be Death.' This Law continued in Force to our Days, when it was wholly abrogated by a late Act of Parliament (*b*): The Great-Grandſons of theſe ſuperſtitious Men, not having ſo great Faith in the Works of the Devil, as their Anceſtors.

Another well-meaning Bill did not meet with the ſame Succeſs; which was, *For the better repreſſing the deteſtable Crime of Adultery.* This Bill had been committed; but when the Report came to be made, the Earl of *Hertford* ſaid, That they found the Bill did rather concern ſome particular Perſons than the public Good; and therefore they returned it as they received it. On which the Bill was droped, and we are left at a Loſs to know what Puniſhment was to be aſſigned to this heinous and too common Offence. But a Bill againſt Drunkards and common Haunters of Ale-Houſes and Taverns paſſed into a Law; the Penalty was ten Shillings on every Publican offending; and if he ſold the beſt Beer for more than one Penny a Quart, and ſmall Beer two Quarts for the ſame, he forfeited twenty Shillings, *&c* (*c*). By the 21ſt of *Jac.* I. *Cap.* VII. it was made perpetual,

Bill for repreſſing Adultery.

Act relating to Ale-Houſes.

On the 14th of *April* came on an Affair of much greater Moment; for, on that Day, the Lord Chancellor made a Motion, That as in the King's Speech, both in the Beginning of the Parliament,

(*a*) *An.* 1. *Jac.* I. *Cap.* XII. Statutes at large.
(*b*) In the Reign of King *George* II.
(*c*) *An.* 1 *Jac.* I. *Cap.* IX.

liament, and since upon Resort of divers Lords and Commons to him at Court, his Majesty had recommended it to them to proceed in such Matters, in this his first Parliament, as are of greatest Importance to the State; and especially in that Particular of an *Union* between the Kingdoms of *England* and *Scotland*: His Lordship moved that some Propositions might be made to the Lower House, for a Conference about this Affair. This Proposal was agreed to by both Houses, and a very large Committee of Lords were appointed, who were to meet the Committee of the Commons, that Afternoon. An. 2 James I. 1604.

A Conference proposed relating to an Union between England and Scotland.

What was done at this first Conference is not entered in the *Journals*. But, we are told that on the 16th, a Message was sent to the Lords, and delivered by Mr. Secretary *Herbert* and others of the Commons, 'That the Committee of that House had reported to the rest the Proposition made to them by the Lords, as from his Majesty, about the Affair of an *Union*. That the whole House judging this Matter to be a Cause of very great Importance and Consequence; it ought to be proceeded in with great Caution and Deliberation. They therefore thought it necessary not to proceed in the Conference, till every Man of their House had considered of and delivered his Opinion about it. And, they had appointed a Day to enter upon that Debate, till which Time they desired their Lordships to hold them excused for farther Conference.'

On the 21st of *April* the Lords fell again upon this Business of *Union*; when the Lord *Cecil* produced a Paper containing a Draught, or Form, devised by the King himself, for the Accomplishment of this great Work. The Paper was read to the House, but not offered as a Bill, only as a short Draught or Memorial, on which a Bill might be afterwards agreed on. We are not told what the Substance of this Proposal from the King was; nor do we meet with any more about this Matter in the Lords *Journals*, till the last Day of this Month.

At

An. 2 James I. 1604. At which Time the Lords sent to desire another Conference with the Lower House, and promised them that they would inform themselves, by the Opinion of the Judges, concerning the Name and Appellation of GREAT BRITAIN, and acquaint their Committees therewith: That Afternoon being appointed by both Houses for the Conference, in the outward Chamber of the Parliament's Presence, the Lords began again to deliberate on what Points were necessary to propose at the Meeting. When the Lord Chancellor started the following Particulars, which were agreed to by the whole House.

1. 'To acquaint the Commons that the Judges 'had given it as their Opinions, that the Name 'cannot be altered now, without Prejudice to the 'State. Therefore, *Rebus sic stantibus*, that Point 'was at an End.

2. 'That the Lords did desire to have mutual 'Conference with them, on the other Point, 'which was, concerning the Commission, accord-'ing to his Majesty's Proposal.

3. 'To be moved unto them for the Nomina-'tion of Commissioners this Parliament to treat of 'those Matters.

4. 'The same Committees of both Houses may 'be selected and appointed for the framing of a 'Bill touching this great Affair.'

There is no Account in the Lords *Journals* relating to any farther Proceedings about this Matter, except, that a Bill was brought in and passed into a Law, for appointing *English* Commissioners to treat with a select Number of *Scotch* on this grand Concern between the two Nations. But the *Journals* of the *Commons* are much more copious about it; in which House, the Affair was argued, *pro & con*, for several Days together. The Clerks have taken Hints of the Arguments on both Sides, for and against this *Union*; which are entered in the Proceedings of that House. Several of these are so short as not to be understood; and the whole Dispute, since it ended in little or nothing, is too prolix and tedious for our Purpose. We shall content our-

ourſelves with giving the King's own Syſtem for the *Union*, not inſerted in the Lords *Journals*; and a Copy of the King's Original Letter to this Houſe, on this Affair, in its own peculiar Orthography; which ſhews that he ſpelt his *Engliſh* according to the *Scotch* Pronunciation of it at that Time. An. 2 James I. 1604.

The King's PROPOSALS *for an* UNION.

'THIS Propoſition, which now I make concerning the Union, ſo far as now I crave to be aſſented unto at this Parliament, is no further but a particular Explanation of a Part of my Speech I uſed to the whole Parliament, about the Matter of the Union; which being twice repeated by me in the Parliament-Houſe, and then after printed, and publickly ſet out to the View of all the World, was (as I am informed) ſo well accepted and applauded by all, as I made the leſs Doubt to make this particular Propoſition in * * own Time thereafter.

'The Subſtance of the Thing, which now I crave to be done, conſiſteth only in two Points:

'Firſt, That by a Bill, or Act, framed in this Parliament, it may be infuſed in all the People's Hearts, that, as it is already ſet down in the Recognition of [My] juſt Poſſeſſion of the Crowns of both the famous, ancient, and honourable Nations of *England* and *Scotland*, dwelling within [one] Iſle, and only compaſſed by the Ocean, are now, by the great Bleſſing of God, and to the perpetual Weal of both the Nations, [united] under one Allegiance, and loyal Subjection, in me and in my Perſon, to my Perſon and my Poſterity for ever: And that thereby, that which accreaſeth to me and mine, and to the Weal and Strength of the Subjects of both Countries, may be rightly conceived, and [clearly] underſtood, by all Men.

'The ſecond Point is, That although it be not my Meaning, neither at [this] Time, nor never hereafter, to alter or innovate the fundamental

'Laws,

An. 2 James I. 1604. ‘ Laws, Privileges, and good Customs of this ‘ Kingdom, whereby only the King's princely Au- ‘ thority is conserved, and the People's (both in ‘ general and particular) Security of their Lands, ‘ Living, and Privileges, is maintained unto them; ‘ yet, that it is fit and convenient, for the nourish- ‘ ing and increasing of the mutual Use among ‘ [the] Members, and Two Halfs, as it were, of ‘ the Body, that all Sorts, particular, temporal, ‘ or indifferent, Manners, or Statutes and [Cus- ‘ toms] may be agreed upon, and welled in one, ‘ as they are all one Body, under [one] Head: ‘ And therefore, that Commissioners may be ap- ‘ pointed by the Parliament, authorized to confer ‘ and consult with such *Scottish* Commissioners, as ‘ shall be selected to meet with them, for the mak- ‘ ing of the Frame to this Effect, to be propound- ‘ ed to the next two Parliaments of *England* and ‘ *Scotland*; that thereby, and by the happy Con- ‘ clusion in the two next Parliaments, not only all ‘ Questions, and unhappy Rubs, which may here- ‘ after, at any Time, be unluckily cast in, may ‘ then be decided, and put to a quiet End; but all ‘ other Means may also then be used, for increasing ‘ the mutual Love, quenching all Sparks of old ‘ Debates, and conforming them among themselves ‘ to that Uniformity of Manners and Customs, ‘ which God, by his Providence, in apparent Sight ‘ of all the World, hath begun, and by the finish- ‘ ing whereof, the true Meaning of that Acknow- ‘ ledgment in my Recognition may be performed ‘ and accomplished.

‘ As for the Bill, which to this Effect I did ‘ frame, it would never have proceeded of me, to ‘ have so far overweened myself of the Laws and ‘ Customs here, as to have straightly thereby pre- ‘ scribed to the Parliament, what Words they ‘ should precisely use in that Purpose; but being ‘ humbly requested by *Francis Bacon* (then Mouth ‘ of that Part of the House, which came to me) ‘ that, for the Supply of his Memory, I would ‘ shortly set down the Substance of that Part of

‘ my

'my Speech, then publickly uttered to the Lower An. 2 James I. 1604.
'Houſe, I was contented to indict it to him as it
'hath been often read in your open Audience:
'But I am ſo far from being wedded to any Opi-
'nions of mine, in the Form thereof, as whatſo-
'ever Words may be found, by the Parliament,
'by their Committees, or the Judges of the Land
'(whoſe Opinions I will ever reverence and ho-
'nour in their own Elements) which are con-
'tained within my laſt Project, which may be
'found to be contrary or derogatory to the Provi-
'ſoes or Explanations of my Meaning therein ſet
'down, I am heartily well contented, that, by
'the Advice of the ſame Judges, they may be
'cleared, guarded by Cautions, changed, innovat-
'ed, or utterly ſcraped out, as may beſt agree with
'the Subſtance of my Meaning, and eſchew any
'inherent Contradiction, which may be leaſt lurk-
'ing within the ſaid Bill, or Act of Parliament to
'be made: And eſpecially, becauſe I hear greateſt
'Doubts and Queſtions of Law made, that the
'aſſuming the Word and Title of *Bretany*, by Act
'of Parliament, before the Accompliſhment of
'theſe Particulars, may imply any ſecret or [tacit]
'Derogation to the reſt of the particular Conditi-
'ons included in [the] ſame Bill; although my in-
'ſerting of the particular Name now, was only
'for the better Furtherance of the Grounds,
'which are before rehearſed; yet am I ſo far from
'allowing or permitting any tacit Contradiction,
'or Obſcurity, in that Matter, which I by [all]
'Means preſs to have ſo clear and evident, as I
'will not only, [if] the Truth be upon that Side,
'be content of the Omiſſion of [the] Name, for
'this Time, but think, and ever eſteem, that I
'have great Cauſe to thank and account well of
'the learned Judges, and other wiſe Men whoſo-
'ever, that by theſe Means will preſerve me from
'being the Cauſe for making an implicit Contra-
'diction to mine own Meaning to be contained
'within M* own Law; which could not be wil-
'lingly done by me, without Spot to my Honour,

An. 2 James I. 1604.

'pretending one thing, and propoſing another; 'and to the great Harm of the Subjects of both 'the Realms: But this to be ſo underſtood, that 'if, on the other Side, [there] be but Doubts, caſt 'in by the curious Carping of ſome, wreſting and 'miſinterpreting the Law againſt the true Meaning '[thereof]; that then, and in that Caſe, as I am 'bound in Honour * * to my formerly ſet-down 'Words, ſo all my good and loyal Subjects, of 'both the Houſes, will concur in aſſiſting me, '[not] to be over-ruled by Wilfulneſs, where I 'cannot be convinced by Reaſon.'

A Letter from his Majeſty to the Houſe, in the Matter of the *Union*, written with his own Hand, delivered by Sir *Roger Aſton*, to Mr. Speaker, read publickly at the Board by Sir *Tho. Lake*, ſtanding by the Clerk, as one beſt acquainted with the King's Hand and Phraſe.

The Letter followeth in theſe Words (*d*):

YE ſee, with quhat Cleernes and Sincerotie I have behaved myſelf in this Earande, even throuch all the Progreſſe thairof, theoh, I will not ſaye, too littel regairdit by you, but I may juſtlie ſaye, not ſo uillinglie embraced by you, as the Uorthines of the Maitter doth uell deſerve. I proteſie to God, the Fruictes thairof uill chiefflie tende to youre owen Uell, Proſperitie, and Increaſe of Stronth and Greatnes: Nothing can ſtaye you from harkening unto it, but Jalouſie and Diſtruſte, ather of me the Propounder, or of the Maitter by me propounditt: If of me, then doe ye both me and youre ſelfis an infinite Uronge, my Conſcience bearing me Recorde, that I ever deſerved the contrarie at youre Handis; but if youre Diſtruſte be of the Maitter itſelf, then diſtruſte ye nothing but youre owin Uiſdomes or Honeſties: For as I have gevin over urangling upon Uordis uith you, ſo crave I no Concluſion to be taken at this Tyme heirin, but only

(*d*) The original Letter is here inſerted, from the King's Hand, but without his Sign Manual; and is thus endorſed: "*Rex.* His Ma-"jeſty's Letter to the Commons Houſe of Parliament, touching the "Matter of *Union*, 1° *Maii*, 1604."

Notes in the printed *Journals.*

ly a Commiſſion, that it maye be diſputid, conſiderid upon, and reportid unto you; and then uill ye be your owin Cookes, to dreſſe it as ye liſte: So that (as I have allreaddie ſaid) ſince the Concluſion thairof can never be uithout youre owin Aſſeintis; if ye be trew to youre ſelfis, no Man can deceave you in it. Let not youre ſelfis thairfore be tranſported with the Curioſitie of a few giddie Headis; for it is in you nou to make the Choice, ather, by yielding to the Providence of God, and embracing that, quhiche he hath caſtin in youre Mouthis, to procure the Proſperitie and Increaſe of Greatnes to me and myne, you and youres; and, by the auaye-taking of that Partition-uall, quhiche allreaddie, by Goddis Providence, in my Bloode is rent aſunder, to eſtabliſhe my Throne, and youre Boddie politike, in a perpetuall and flooriſhing Peace; or ellis, contemning Goddis Benefites, ſo freely ofred unto us, to ſpitte and blaſpheme in his Face, by praeferring Uarre to Peace, Trouble to Quyetnes, Hatred to Love, Ueaknes to Greatnes, and Diviſion to Union; to ſowe the Seidis of Diſcorde to all oure Poſterities; to diſhonoure youre King; to make both me and you a Proverbe of Reproche in the Mouthis of all Straingeris, and all Ennemies to this Nation, and Envyars of my Greatneſs; and oure next Laboure to be, to take up new Guariſons for the Bordouris, and to make new Fortifications thaire. Sed meliora ſpero. *I hoape, that God, in this Choice, and free Uill of youris, uill not ſuffer you, uith olde* Adame, *to chooſe the worſte, and ſo to procure the defacing of this earthlie Paradiſe; but, by the contrarie, that he ſhall inſpyre you ſo, as, uith the ſeconde* Adame, *ye ſhall produce Peace; and ſo beutifie this oure earthlie Kingdome heereuith, as it may repreſente, and be an Arles-pennie unto us, of that æternal Peace in that ſpirituall Kingdome, quhiche is præpared for the perpetuall Reſidence of all his choſen Children.*

An. 2 James I. 1604.

Notwithſtanding theſe Remonſtrances from the King, this Affair went on but heavily in both Houſes; nor was there any ſeeming Likelihood of an Union between the two Kingdoms to be confirmed this Seſſion. They had been almoſt, at a continued War

An. 2 James I. 1604.

War together, ever since the Time that the *Romans* invaded and took Possession of the Southern Part of this Island. It was carried on by Intervals, after the *Saxons* came, and our Histories are too full since the *Norman* Conquest, of many direful destructive Battles fought between these evil Neighbours. Now was the Time to put a final End to these intestine Wars; and, by being one Nation, with an undivided Interest, to be a Match for all the World beside. But though this Parliament, at the King's Desire, went upon the Affair and brought it to some Forwardness, yet it is easy to see that the Matter was treated very cooly throughout this Session; and, in the End, it was left to Commissioners, to manage it by themselves.

English Commissioners appointed to treat with the Scotch relating to the Union of the two Kingdoms.

The Act for appointing these Commissioners is false printed in the public Statutes; and we are obliged to Mr. *Wilson*, the Author of this King's Life, for the *English* Commissioners Names, and some Account of their Power in concluding the Business. The Commissioners for *England* were the Lord Chancellor *Ellesmere*, the Earls of *Dorset*, *Nottingham*, *Southampton*, *Pembroke* and *Northampton*; the Bishop of *London*, *Durham* and St. *David's*; the Lords *Cecil*, *Zouch*, *Monteagle*, *Eure* and *Sheffield*, of the Higher House. For the Commons were *Thomas* Lord *Clinton*, *Robert* Lord *Buckhurst*, Sir *Francis Hasting*, Sir *John Stanhope*, Sir *John Herbert*, Sir *George Carew*, Sir *Thomas Strickland*, Sir *Edward Stafford*, Sir *Henry Nevile* of *Berkshire*, Sir *Richard Buckley*, Sir *Henry Billingsley*, Sir *Daniel Dun*, Sir *Edward Hobby*, Sir *John Savile*, Sir *Robert Wroth*, Sir *Thomas Chaloner*, Sir *Robert Maunsel*, Sir *Thomas Ridgeway*, Sir *Thomas Holcroft*, Sir *Thomas Hesketh*, Sir *Francis Bacon*, Sir *Lawrence Tanfield*, Sir *Henry Hobart*, Sir *Henry Wallington*, Sir *Ralph Gray*, Sir *Thomas Lake*, Knights; *John Bennet*, LL. D. *Robert Askwith*, *Thomas James* and *Henry Chapman*, Citizens and Merchants. These, or any eight of the said Lords, and twenty of the said Commons, shall

shall have Power to assemble, meet, treat and consult, with certain select Commissioners, to be named and authorised by the Parliament of *Scotland*, concerning such Matters, Causes, and Things, as they, in their Wisdoms, shall deem convenient and necessary for the Honour of the King, and common Good of both Kingdoms. An. 2 James I. 1604.

Notwithstanding this grand *Apparatus* was made to please the King at this Time, yet it all came to Nothing. The Commissioners on both Sides no sooner met, than they found the Matter impracticable. The *Scotch*, tho' we had taken their King, yet absolutely refused to be governed by any of our Laws; and, tho' there were some more Attempts made for this Union, in this and succeeding Reigns, yet they all proved abortive; till this grand Affair was, at last, compleated in our own Times: But whether to the general Satisfaction of both Nations, is a Question of another Stamp.

There was an Attempt made also, this Session, for another Union, of a different Nature, at Home; and that was to bring about a Reconciliation, in Ecclesiastical Affairs, between those of the *Established Church* and the *Protestant Dissenters*. It may be observed that many Attempts were made, throughout the whole Course of the last Reign, for a farther Reformation in Church Matters; and, had not the Queen stood firmly by her Bishops, their Hierarchy would then have been, in all Probability, overthrown. In this Reign, the King endeavoured to put Things on a better Footing between them; the Lords *Journals* take Notice that *April* 18th, Mr. Secretary *Herbert* brought a Message to the Lords, from the Lower House, to this Effect:

'That whereas their Speaker had signified to the whole House his Majesty's Pleasure that a Conference should be had, with certain of the Lords the Bishops, concerning a Reformation of certain Matters and Rights of the Church, of which some Complaints had been made; and for a better Correspondence to be held betwixt the

An. 1 James I. 1604.

Clergy and Laity for the future: The Commons were willing to have such a Conference with some select Number of the Bishops; but so, to confer with them as Lords of the Higher House of Parliament, and not in such Condition and Quality as they are of the Convocation House.' To which Message the Lords said they would return an Answer the next Day, or, as soon as they conveniently might.

A Conference appointed for Reformation of Ecclesiastical Matters.

The next Day an Answer was returned by the Lords, that they approved of a Conference, and had nominated Thirty, or thereabouts, of their House, a Committee for that Purpose. This Committee consisted of all the great Ministers of State, seven Earls, eleven Barons, and fourteen Bishops. The Commons appointed Sixty of their House to attend the Lords; but the King rightly judging that this great Number from both Houses, would rather perplex than conciliate the Conference, sent a Message to desire them to constitute Sub-Committees to treat about these Church Affairs. On which the Lords named only Nine of the former Number, and the Commons Twenty; which were to meet, on the 21st of *May*, in the Council-Chamber of the Court, to settle this Business.

The *Lords Journals* leave us short as to what was done, or agreed on, at this Conference between the two Houses; but those of the *Commons* give us certain Articles or Instructions, on which their Committee was to treat with that of the other House. The Articles were as follow:

The Articles to be debated on.

'1. *Imprimis*. THAT the Articles only concerning the Doctrine of Faith, 'and of the Sacraments, whereunto the Ministers 'ought to subscribe, by the Statute of the 13th 'Year of the Reign of the late Queen *Elizabeth*, 'may be explained, perfected, and established by 'Parliament; and that no contrary Doctrine may 'be taught within this Realm; and that all Mas-

'ters

'ters of Houſhold may be compelled to ſubſcribe 'unto the ſame Articles, as well as the Miniſters. An. 2 James I. 1604.

2. '*Item*, That from henceforth none other be 'admitted to be Miniſters of the Word and Sa-'craments, than ſuch as are, at the Time of their 'Admittance, Bachlers of Art, or of an higher 'Degree in Schools; having Teſtimony from the 'Univerſity, or College, whereof he was, of his 'Ability to preach, and of his good Life; or elſe 'ſuch, as are approved, and allowed to be ſuffi-'cient to preach, and inſtruct the People, and to 'be of good Life, by ſome Teſtimonial of Six 'Preachers of the County, where the Party dwel-'leth.

3. '*Item*, That from henceforth no Diſpenſa-'tion or Toleration ſhall be allowed to any, to 'have or retain Two, or more Benefices, with 'Cure of Souls, or to be non-reſident; and that 'ſuch as now have double Benefices, or be non-'reſident, ſhall give ſufficient Allowance yearly to 'maintain a Preacher in their Abſence; and that, 'for this Purpoſe, the Incumbent ſhall be allotted 'to make his Reſidency in one of his Parſonages, 'to the Intent, that in the other Church a cer-'tain and conſtant Miniſter may be maintained 'and kept.

4. 'Alſo it is thought meet, where the Living 'of the Vicar, or Curate, is under Twenty 'Pounds by the Year, that, for the better Mainte-'nance of the Vicar, or Curate (being a Preacher) 'there may be ſome Increaſe made of his Living, 'as ſhall be thought convenient.

5. 'Alſo it is humbly deſired, that the Lords 'would confer with us, touching a Petition to be 'preferred to the King's Majeſty, that, by his gra-'cious Favour, ſuch Order be taken, that no Mi-'niſter be forced to ſubſcribe, otherwiſe than to 'the Articles concerning only the Doctrine of 'Faith and Sacraments, whereunto by the ſaid 'Statute, made in the 13th Year of the Reign of 'the late Queen *Elizabeth*, they are appointed to 'ſubſcribe.

An. 2 James I. 1604.

6. 'Alſo to confer with the Lords, that ſuch 'faithful Miniſters, as dutifully carry themſelves 'in their Functions and Callings, teaching the 'People diligently, may not be deprived, ſuſpend-'ed, ſilenced, or impriſoned, for not uſing of the 'Croſs in Baptiſm, or the Surplice, which turn-'eth to the Puniſhment of the People.

'Touching Eccleſiaſtical Courts, there is a Bill 'drawn by the Committees, ready to be preferred 'to the Houſe.'

In the Commons *Journals*, we find, That *June* 13th, Sir *Francis Haſtings* made a Report to the Houſe, of what their Sub-Committee had done, who were appointed to ſearch Precedents, touching intermeddling with Eccleſiaſtical Matters. Several Precedents and Laws were produced: As, alſo, the Form of a Petition for a Diſpenſation, with ſome Miniſters, in Matters indifferent, *&c.* which Petition follows in theſe Words:

To the King's moſt excellent Majeſty.

Moſt dread Sovereign:

A Petition for Diſpenſing with Miniſters in Matters indifferent.

'FORASMUCH as your Majeſty, out of your 'princely Favour, hath vouchſafed to ſig-'nify your gracious Pleaſure, that we ſhould enter 'into Conſultation of Things that concern the 'Eſtabliſhment of true Religion in this Land, 'thereby, as by many other ways, making evident 'Demonſtration of your Majeſty's moſt religious 'Affection and princely Wiſdom in the Direction 'of theſe Cauſes; we have thought it expedient, 'rather, by this our humble Petition, to recom-'mend to your Majeſty's godly Conſideration cer-'tain Matters of Grievance, reſting in your royal 'Power and princely Zeal either to abrogate or 'moderate, than to take the public diſcuſſing of 'the ſame unto ourſelves; to the End (if it ſo ſeem 'good to your Highneſs) we may, from the ſacred 'Fountain of your Majeſty's moſt royal and reli-'gious Heart, wholly and only derive ſuch con-

'venient

'venient Remedy and Relief therein, as to your princely Wiſdom ſhall ſeem moſt meet. An. 2 James I. 1604.

'The Matters of Grievance (that we be not 'troubleſome to your Majeſty) are theſe: The 'preſſing the Uſe of certain Rites and Ceremonies 'in this Church; as the Croſs in Baptiſm, the 'wearing of the Surplice in ordinary Pariſh Church-'es, and the Subſcription required of the Mini-'ſters, further than is commanded by the Laws of 'the Realm; Things, which, by long Experience, 'have been found to be the Occaſions of ſuch Dif-'ference, Trouble, and Contention in this Church, 'as thereby divers profitable and painful Miniſters, 'not in Contempt of Authority, or Deſire of 'Novelty, as they ſincerely profeſs, and we are 'verily perſuaded, but, upon Conſcience towards 'God, refuſing the ſame, ſome of good Deſert 'have been deprived, others of good Expectation 'with-held from entering into the Miniſtry, and 'Way given to the ignorant, and unable Men, to 'the great Prejudice of the free Courſe and fruitful 'Succeſs of the Goſpel, to the dangerous Advan-'tage of the common Adverſaries of true Religi-'on, and to the great Grief and Diſcomfort of 'many of your Majeſty's moſt faithful and loyal 'Subjects. In tender Compaſſion whereof, may 'it pleaſe your excellent Majeſty, of your Zeal 'towards the Goſpel, to vouchſafe ſome gracious, 'princely, and favourable Conſideration of the 'Burden of theſe Grievances, under which this 'Church hath of long Time groaned; in doing 'whereof, we are verily perſuaded, your Majeſty 'ſhall much more eaſily accompliſh your religious 'Intendments; the one of ſettling the Peace of 'this Church, the other of planting a learned and 'faithful Miniſtry through this Realm; alſo your 'Majeſty ſhall greatly comfort the Hearts of many 'grave and learned Miniſters, give much Content-'ment to your Highneſs's moſt loving Subjects, 'purchaſe to your royal Perſon great Increaſe of 'Honour, and gain to Almighty God his moſt 'due and deſerved Glory; who ever keep your

An. 2 James I. 1604. ‘ ſacred Majeſty under the Wings of his moſt migh-
‘ ty and bleſſed Protection.’

Mercurii, 13° *Junii*, 1604.

This Petition was much oppoſed by ſeveral Members, and defended by others; but, in the End, it was dropped, as we ſuppoſe, for we hear no more of it. What the Reſult of all theſe Conferences produced, is uncertain; but it is probable they laid the Ground-work of four Acts which paſſed this Seſſion; the Titles of which are given in the Catalogue of the Acts in the Lords *Journals*, but are none of them, except the firſt, mentioned in the printed Statutes. The Titles will conclude all we ſhall ſay of this Matter.

Acts relating to the Clergy.

1. An Act for avoiding Multiplicity of Leaſes, made by Archbiſhops and Biſhops, of ſuch Lands and Poſſeſſions as belong to their ſeveral Sees (*e*). By this Act the Crown itſelf was diſabled from receiving any Conveyances of Archbiſhops and Biſhops Eſtates. Thus, ſays an Author, thoſe of the Clergy, who wanted either Honeſty or Courage, were diſabled from impoveriſhing the Church. And thus, the King ſtopped the Iſſue of Sacrilege, and delivered himſelf from the Importunity of the Courtiers (*f*).

2. An Act againſt ſcandalous and unworthy Miniſters.

3. An Act for diſburthening of Clergymen of all ſuch Affairs, as may hinder them in their divine Callings and Cures.

4. An Act for the better Diſcovery and Suppreſſing of Simony, and other corrupt Procuring of Eccleſiaſtical Dignities, Titles, Juriſdictions, Offices, Places, and Promotions.

May 29*th*, Sir *Edwin Sandys* and others were ſent from the Lower Houſe to the Lords, and delivered a Meſſage from the Commons to this Effect: ‘ That whereas a Motion had been made by that

(*e*) *Statutes at large*, 1 *Jac.* I. *Cap.* III. but the Title is ſomewhat different.

(*f*) *Collier's Eccl. Hiſt.* Vol. II. p. 686.

that Houſe, in the Beginning of this Parliament, for a Conference with their Lordſhips about the Buſineſs of *Wards*; which received ſome Impediment in the Proceeding, at that Time, by reaſon of other Buſineſs: They were now deſirous to make Petition to the King, in which they deſired their Lordſhips Concurrence, that he will be pleaſed to give them Audience concerning that Matter; and to make ſome Propoſal to his Majeſty of an Offer in Lieu of the ſaid Wardſhips. And, whereas, at the ſame Time, their Lordſhips moved to have Conference concerning *Reſpite of Homage*, which they thought proceeded from the Lords out of Favour, and good Reſpect towards them; they deſired alſo, to addreſs the King to give them a Hearing, not only of this Matter, but of the other Branches growing from the ſame Root; ſuch as *Tenures in Capite*, *Licence of Alienation*, *Premier Seizins*, and ſuch like; concerning all which Particulars they did hope to make it appear to his Majeſty, by the Courſe they meant to propound to him, that he ſhould not receive Loſs or Prejudice, but rather Convenience and Advantage.' To which Meſſage the Lords took Time to return an Anſwer to the 21ſt. On which Day,

An. 2 James I. 1604.

Conference about Wards, Reſpite of Homage, Tenures in Capite, &c.

On a Motion of the Lord Chancellor, an Anſwer was returned to the Commons, 'That their Lordſhips had made Choice of Thirty of their Houſe, for a Conference; and that they deſire the Commons to appoint a competent Number of their Body to meet them. Alſo, that their Committee ſhould come ſufficiently prepared and authorized to deliver and make known to them the Grounds and Reaſons, which they deſign to propoſe to his Majeſty concerning theſe Particulars.'

What was done or ſaid at this Conference, is not handed down to us; but, a remarkable Entry is made in the *Journal* of the Lords for that Day, in theſe Words:

26° *Maii prædict.*

'Report made by the Lord Chancellor of that 'which paſſed in the Conference with the Lower

An. 2 James I. 1604. ‘ House, concerning the Matter of Wards and ‘ Respite of Homage; and a Repetition thereof, ‘ also, by the Lord *Cecil*. The Conclusion where- ‘ of was, That the Lords did, by Way of Ad- ‘ vice, move and wish them to forbear any further ‘ Dealing therein, or to offer any further Petition ‘ for it to the King; both, for divers Considera- ‘ tions, in the Matter itself; and in respect of this ‘ Time of his Majesty's first Parliament, which ‘ they thought to be inconvenient and unseason- ‘ able for it.’

Thus this Business dropped for this Time. And we have been more particular in the Recital of the Proceedings in it from the *Journals*; because it is the first Stroke that we find made by the Commons at these ancient Prerogatives of the Crown.

On the 14th of *June*, was sent up by the Commons a Bill for a *Subsidy* of *Tonnage* and *Poundage*. It was read a second Time in the House of Lords, on the 18th, when the Lord Treasurer stood up and acquainted the Lords, ‘ That having perused and considered of the said Bill, he found some Omission, or Imperfection in the same, proper to be reformed for his Majesty's Benefit and Service. He therefore moved that a Conference might be had with the other House about it.’ This was unanimously agreed to; and, a Message sent to the Commons, wherein the Lords expressed themselves, ‘ That they would not have the Lower House think it proceeded from any Coldness in Affection or Duty, on their Parts, to desire a Conference with them on the Amendment of the said Bill.’ Answer was returned that the Commons agreed to a Conference; on which two Committees were appointed for that Purpose. And, on another Motion, the Lords agreed that in the Conference, the Committee for the Commons might be desired to propound to that House their Lordships earnest Request and Expectation, that some Means might be by them considered of, for a Re-

Act for Tonnage and Poundage.

a Relief or *Subsidy* to be farther granted to his Majesty, to supply his present Necessities. An. 2 James I. 1604.

Another remarkable Letter from the King, wrote with his own Hand, but corrected as to the Spelling, was sent to the Commons, *June* 26th; the Intent of which was to signify his Pleasure, in relation to a farther Grant of a *Subsidy*. The Letter followeth (*g*):

The King's Letter declining any farther Subsidy at this Time.

HAVING been informed, that within the Space of these Eight or Ten Days past, there hath been, divers Times, Speeches made in the Lower House of our Commons, for a Subsidy to be at this Time granted unto us; we have thought it convenient, that ye should, in our Name, acquaint the House with the sincere Truth of our Meaning in that Matter; to the end that they, being at a Point in that Question, may, with the greater Expedition, conclude such special Things, as are necessary to be done before the ending of this longsome Session of Parliament.

It is true, that ever before, and a certain Space after the sitting down of this Parliament, we were constantly resolved, neither to think, nor, in case it had been offered unto us, any ways to have accepted a Subsidy at this Time; for as in our first Speech to this whole Parliament we declared, how unwilling we should ever be to be a Burden to our People; so thought we it an unfit Time, at our first Parliament, after our so happy and peaceable Entry into this Kingdom, with so great and general an Applause, for having a Subsidy raised upon them, notwithstanding of our present great Necessity; and that thorough the Occasion of divers great Expences, whereunto we were driven at our first Entry here: But after the assembling of this Parliament, we were so often dealt with and informed by divers Members of that House, that were otherwise Strangers to our Affairs, that it was a thing both honourable and reasonable, that a Subsidy should be granted unto us; that both our Necessity

(*g*) In the Margin is written, *Quære the Original.* A printed Copy thereof is here inserted in the Journals.

Notes in the printed *Journals.*

An. 2 James I. 1604. *ceſſity required it, and the People in their Love were ready to offer it unto us; that it was ever the Form of all Kings of* England, *to have a Subſidy given them at the very firſt aſſembling of their firſt Parliament; that as it was honourable for us to receive it (being an Earneſt-penny of the People's Love toward us) ſo would it be a thing nothing prejudicial nor hurtful for them to yield unto; and that there was enow in that Houſe, that were ſtriving amongſt themſelves, who ſhould be the firſt Propounder thereof; as at the laſt we were moved to be contented, that ſome ſhould prove the Houſe's Mind in it; only in this Point were we careful, that, in caſe it were propounded, and put to a Queſtion, it ſhould receive no publick Refuſal; which could not but be diſhonourable unto us, eſpecially in the Sight of all the Strangers that are now here. But having now, with Time, more narrowly examined both the Cuſtom in the like Caſes, at the firſt Parliaments of our Predeceſſors here, as likewiſe, that the laſt Term's Payment of the old great Subſidy is not yet come, ſo as a double Burden ſhall appear to be laid upon the People, and yet our Commodity never a Hair the nearer; we have hereupon concluded with ourſelf, to reſort to our former Determination: And therefore is it our expreſs Will, that ye ſhall, in our Name, ſignify to our ſaid Houſe of Commons, that we deſire them, at this Time, not to meddle any further with that Queſtion; aſſuring them, in the Word of a King, that we will be ſo far from taking it unkindly, their not offering it unto us at this firſt Seſſion of this our firſt Parliament, as by the contrary we will only interpret it to proceed from the Care they have, that our People ſhould not have any Occaſion of Diſtaſte of us offered unto them at this Time, for the Reaſons above-mentioned; aſſuring ourſelf, that the ſaid Houſe will, in their own Time, be careful to ſee our State ſupplied, by ſuch Means, as may be moſt convenient for our Weal, and leaſt hurtful to our Subjects; wherein we remit ourſelf to their diſcreet Conſiderations, in the due Time.*

JAMES R.

After

After the Reading of this Letter, a Motion was made, 'That the King's Letter ſhould be record-'ed in their Houſe, for an everlaſting Memory of 'his Majeſty's Grace.——That all the Knights 'of Shires may take a Copy of it, and publiſh it in 'their Countries.——And, that Mr. Speaker, at 'the End of this Seſſion, ſhould preſent Thanks 'to his Majeſty, in the Name of the whole Houſe, 'for his Grace expreſſed in that Letter.' An. 2 James I. 1624.

This Letter was, probably, the Occaſion of ſending up another Bill from the Commons, intituled, *An Act for the aſſigning certain Sums of Money, for the Defraying of the Charges of the King's moſt honourable Houſhold.* This Bill ſoon paſſed into a Law; as did alſo the former, for a Grant of *Tonnage* and *Poundage*, without any Amendments; becauſe the Lord Treaſurer, the firſt of the Lords Committee, informed the Houſe that the Judges, being aſked their Opinions about his Points of Exception to the ſaid Bill, they had reſolved, that, notwithſtanding thoſe Exceptions, the Bill might paſs, as it then ſtood, without Inconvenience or Prejudice to his Majeſty. The Tonnage granted this Seſſion was 3 *s.* on every Tun of Wine imported; but on a Tun of ſweet Wines 6 *s.* and 1 *s.* on every Awm of Rheniſh. The Poundage was 1 *s.* on every Twenty-Shillings-worth of Goods or Merchandiſe, imported and exported, excepting Woollen Manufactures; and Tin and Pewter were to pay 2 *s.* A Deniſon was to pay for every Sack of Wool 33 *s.* and 4 *d.* and for every 240 Woolfells the ſame; and for every Laſt of Hides and Backs 3 *l.* 6 *s.* and 8 *d* (*i*). Act for defraying the Charges of the Houſhold.

Theſe were all the Supplies that were granted to the King this Seſſion of Parliament, and all that were aſked by the Miniſtry at this Time. Whether the King found the Treaſury full at his Coming to the Crown, or, that he had no Mind to lay a Burthen on his Subjects ſo near his Acceſſion, is uncertain. But, as this Complaiſance was unuſual, the Neceſſity of the State ſoon called for a larger

(*i*) *Statutes at large*, Cap. 33.

An. 22 James I. 1604. a larger Supply, and even in the enſuing Seſſion of this very Parliament. It is true, there was another Bill brought in, and paſſed the Lords, at this Time, intituled, *An Act proceeding from the King's Majeſty's princely Wiſdom and Care of his Royal Progeny, for the perpetual and indiſſoluble Annexing of certain of his Majeſty's Poſſeſſions, inſeparable to him or his Royal Poſterity, Kings and Queens of* England. But being ſent down to the Lower Houſe, they returned a Meſſage by Mr. Secretary *Herbert*, *&c.* importing, that they had given the aforeſaid Bill two Readings in one Day and committed it; but found ſo many Doubts in ſome Particulars, that may be prejudicial to divers Subjects of this Realm, that they deſired a Conference with the Lords about it. This was granted, and the Committees on both Sides met; where, it may be ſuppoſed, the Commons gave ſuch Reaſons againſt the Bill, that it was dropped, for there is no farther Notice taken of it.

Some other Occurrences happened this Seſſion, which, though of leſs Moment, yet deſerve a Memorial; ſince neither of them are mentioned in the particular Writer of this Reign, nor in any other general Hiſtorian.

The firſt was a Complaint made, by a Meſſage delivered by Sir *Edward Hobby* and others from the Lower Houſe, concerning a certain Book, which of late, as they ſaid, fell into their Hands, intitled, * * * * * * * * * * * 'By the publiſhing of which Book, tending to make Diviſion and Strife, they conceive Wrong and Diſhonour done both to the Lower Houſe, and the Lords themſelves. That the Secrets of that Houſe ſhould be diſcovered touching ſuch Matters as had been by them debated, heard and allowed by the Lords, approved by the Judges of the Realm, and aſſented to by his Majeſty: Which Fault, they ſaid, if any one of their Houſe had committed, they proteſted they would have inflicted exemplary Puniſhment upon him. But, becauſe they ſuppoſed that it was the Works of ſome in the Upper Houſe, they deſired

The Commons complain of a Book wrote in Favour of the Union.

Conference

Conference with the Lords, to consider what Course may be taken in it. The Lords returned for Answer, that when they had perused the Book, which, as yet, most of them had not done, and had considered how it may touch the Honour of either House, they will shew themselves as tender and sensible of it as the Commons; and will let them soon know their Opinion concerning it.' An. 2 James I. 1604.

The Title of this Book is left blank in the Lords *Journals*, but whether by Design or Negligence is uncertain; nor are we the better helped, in this, by those of the Commons. However, the Sequel will inform us, both who the Author of it was, and the Nature of the Subject which gave the Offence. Two Stationers called *Field* and *Chard*, concerned in the printing and publishing the Book, were sent for, and brought before the House of Lords by the Serjeant at Arms. These Men confessed the Publication, &c. and that the Bishop of *Bristol* was the Author of it (*k*). This put the House to a Stand, what Punishment to inflict upon the Stationers; when so great a Man, and one of their own Body, was the principal Agressor. They were ordered to attend the House, however, *de Die in Diem*, for some Time; in the mean while the Commons, in a Conference, pushed the Thing warmly against the Bishop; and the Lords, after some Deliberation amongst themselves, what Satisfaction to give to the other House about this Matter, did all agree in Opinion that it might best be done, if the said Bishop would voluntarily acknowledge himself to have committed an Error, and that he was sorry for the same. We are told that the Bishop, at last, consented to make this Acknowledgment, which he read in the House in Form, as follows:

The Bishop of Bristol, the Author, asks Pardon for it.

1. *I confess I have erred in presuming to deliver a private Sentence, in a Matter so dealt in by the High Court of Parliament.*

2. *I am*

(*k*) This Bishop of *Bristol* was *John Thornborough*, translated to this See from *Limerick* in *Ireland*, *Anno* 1603. Afterwards in the Year 1616, he was translated to *Worcester*.

Le Neve's Fasti Eccl. Angl.

An. 2 James I. 1604.

2. *I am ſorry for it.*

3. *If it was to do again, I would not do it.*

4. *I proteſt it was done out of Ignorance, and not out of Malice, towards either of the Houſes of Parliament, or any particular Member of the ſame; but only to declare my Affection to the intended* Union, *which I doubt not but all your Lordſhips do allow of.*

By this laſt Section it appears what the Subject of the Book was, which gave the Offence; and that there were ſome Spirits in the Lower Houſe ſo much ſet againſt the *Union*, that they could not bear that ſuch a Remonſtrance, in its Favour, ſhould be publiſhed about it. Some Days after, the Commons ſent a Meſſage to the Lords, wherein they acknowledged their Lordſhips honourable Proceeding in this Matter; but, at the ſame Time, for their better Satisfaction, they deſired that a Copy of the Biſhop's Declaration of his Error, *&c.* might be given them; that it might be recorded, alſo, in the *Journals* of that Houſe: And that the Book might be ſuppreſſed. The Lords took Time to conſider of this Meſſage; and afterwards in another Conference, about this and other Matters, the Commons had the Satisfaction they deſired, and ſo the Affair was ended.

Which is recorded in the Commons Journals.

Another remarkable Occurrence happened, of ſtill greater Moment. There had been a Bill brought into the Houſe of Lords this Seſſion, intituled, *An Act for the due Execution of the Statutes againſt Jeſuits, Seminary Prieſts, Recuſants,* &c. On the third Reading of which Bill, the Lord Viſcount *Montague* ſtood up, and made a bold Speech againſt it. In which he declared, 'That 'he did not only diſſent from the Bill, but, by 'way of Apology for all Sorts of Recuſants, un- 'dertook the Defence of their Religion; and in- 'veighed againſt the whole State of that Religion 'now eſtabliſhed in this Realm. He endeavoured 'to prove the great Antiquity of theirs and the 'Novelty of this; ſaying, that we had been miſ- 'led to forſake the Religion of our Fathers, and 'to follow ſome light Perſons of late Times

Lord Montague oppoſes the Bill againſt Jeſuits, &c.

'sprung up, that were of unsound Doctrine, *&c.* An. 2 James I. 1604.
'evil Life, or to that Effect: He thereupon made
'most earnest Request and Entreaty to the Lords,
'that they would have a favourable Consideration
'of the said Recusants, whom the Bill did con-
'cern, and not give it Passage against them (*m*).

The *Journals* proceed to tell us that, when some of the Bishops had answered to the several Points of this Speech, relating to the established Religion, the Lord Chancellor interposed by making a Motion, declaring to the Lords, 'That he doubted 'whether it might stand with the good Order of 'that House and with his Duty, that such a Speech 'should be suffered in the House, as the Lord '*Montague* had made. In presuming, under Pre-'tence of speaking to a Bill, to inveigh and speak 'generally against the whole State of Religion 'then established: By speaking directly to, and 'maintaining the Tenets of, the *Popish* Religion, 'so much derogating as it doth from the King's Ma-'jesty's supreme Authority and Government. He 'therefore desired the House to consider, whether 'the Suffering of such a Speech would stand with the 'Duty of Allegiance they owed to his Majesty.'

On this a Debate arose; but all the Lords that spoke, agreed in Opinion that it was a very offen-sive Speech, and not to be suffered to pass without some Censure, Animadversion, or Punishment; except the Lord *Burleigh*, who said, 'He thought 'the best and fittest Punishment would be to let 'him pass unregarded and unpunished. Because, 'he supposed that the Lord *Montague* did affect a 'Glory in it; and would be glad to get the more 'Reputation amongst the *Papists*, both at Home 'and Abroad, if he should be censured or punish-'ed in any Sort for their Cause.' In Conclusion, it was thought meet that some Order should be taken for the Censuring the said Lord for his pre-sump-

(*m*) This Lord Viscount *Montague* was Grandson to the Lord of that Name, who spoke so boldly for the *Romish* Religion in the Beginning of the last Reign, *Dug. Bar.* Vol. II. See also p. 15. in our third Volume.

An. 2 James I. 1604.

sumptuous Speech; but, the Determination thereof was deferred until their next Sitting. After which, the Bill being put to the Question, it was passed by a great Majority.

The next Day this Affair was again renewed; and a Recital of the Lord *Montague's* presumptuous Speech made; on which, it was ordered by all the Lords Spiritual and Temporal, that the said Lord should be committed Prisoner to the Fleet, and the Warden of that Prison was immediately sent for to take him into Custody. But, he did not continue long a Prisoner; for, three or four Days after his Commitment, the Lords being informed that the said Lord *Montague* was sorry for his Offence, and that he had given Cause for their Displeasure; begging to be released from his Confinement, and take his Place in the House: It was ordered that he should be discharged from the Fleet, and return to his own House, there to remain till *Monday* next, when he was to repair to the House of Lords, and by his own Mouth declare his Dislike of his Speech, and give Satisfaction to the Lords for the same. Accordingly, the next Day he was brought to the Bar, and there he told the House, 'How far it was, and ever should be, from 'him to do any thing out of any ill Disposition or 'Meaning to offend them; rendering unto their 'Lordships most humble Thanks, for their no less 'favourable Construction of his Intention, than 'for their most honourable and present Releasement of him; with Protestation of his most 'humble and Dutiful Zeal towards his Majesty, 'and, also, of his most loving and devoted Affection towards all their Lordships.'

For which he is committed to the Fleet.

Petition relating to the Barony of Bergavenny.

There is a long Entry made in the Lords *Journals* of this Session, relating to two Petitions, presented to the House, each of them claiming the ancient Barony of *Bergavenny*. The one was from *Edward Nevile*, Esq. who proved himself to be the Heir Male, and the other from the Lady *Fane*, or *Vane*, and her Heirs, who were proved to

to be the Heirs General. The Proceedings on this Affair were very long; at length it was determined by the Lords, that *Nevile* ſhould have the Barony of *Bergavenny*, and the Lady the Barony of *Le Deſpencer*, which was alſo in the Family. And this Award being confirmed by the King, the two Baronies were made Hereditary in both Families (*n*). An. 2 James I. 1604.

In the *Journals* of the Commons, is a remarkable Affair, relating to the Impriſonment of one of their own Members. Sir *Thomas Shirley*, Member for *Steyning*, had been committed Priſoner to the Fleet, ſoon after his Return, and before the Parliament met, on an Execution. The Houſe ſent their Serjeant at Arms to demand the Priſoner; which was refuſed by the Warden. On this, he was ſent for himſelf to the Houſe, where he ſtill perſiſted in denying to releaſe the Priſoner; and was committed to the *Tower* for the Contempt. On the 9th of *May*, a ſtrong Debate aroſe in the Houſe, what they ſhould do to releaſe their Brother, ſome arguing that the Houſe could not, by Law, ſecure the Warden from an Eſcape of his Priſoner. But the Recorder of *London* ſaid, 'That 'this was not a Time to treat about Matters of 'Law; but how to deliver Sir *Thomas Shirley*. 'He moved that ſix of the Houſe might be ſelected and ſent to the Fleet, with the Serjeant and 'his Mace to attend them; there to require the 'Delivery of Sir *Thomas Shirley*: And, if it was 'denied, to preſs to his Chamber, and, providing 'for the Safety of the Priſon and Priſoners, to 'free him by Force, and bring him away with 'them to the Houſe.' Debate on the Impriſonment of a Member in the Fleet.

This Motion was put to the Queſtion, and, the Houſe dividing, there were 176 for it, and 153 againſt the Motion; on which it was reſolved to ſend, with Direction and Authority, as before.

(*n*) The Barony of *Bergavenny* is at this Day in the *Nevile* Family, and the Barony of *Le Deſpenſer* in the Family of *Fane*, now Earl of *Weſtmorland*.

An. 2 James I. 1604. But, the Speaker putting the Houſe in Mind that all thoſe, ſo ſent to enter the Priſon in that Manner, were by Law, ſubject to an Action upon the Caſe; it was thought meet to ſtop this Proceeding.

Many Projects were formed in the Houſe for ſeveral Days together, for the Delivery of the Priſoner, but to no Purpoſe; when the Warden was again ordered to be brought before them; and being told of the Greatneſs of his Contempt, and terrified with further Puniſhment if he would not yield, he ſtill refuſed to deliver his Priſoner to them. On this, another Debate aroſe, and, having come to a Reſolution, the Warden was called in again, when he, ſtill perſiſting in his Obſtinacy, was told by the Speaker, 'That, as he did increaſe his Con-'tempt, ſo the Houſe thought fit to increaſe his 'Puniſhment; and that their Judgment was, now, 'he ſhould be committed to the Priſon, called '*Little-Eaſe*, within the *Tower*.'

The next Day, the Lieutenant of the *Tower* ſent a Letter to the Speaker, importing, That he had talked with the Warden, his Priſoner; and that he now ſeemed to have ſome Feeling of his Error and Obſtinacy; and that if the Houſe would ſend two of their Members, which he named, to ſatisfy him in the Point of his Security, he would be content to deliver up his Priſoner to their Serjeant, when they would pleaſe to ſend for him. But the Houſe would not conſent to this; and after many more Arguments and Debates, the Day after they came to a Reſolution, to ſend another Warrant of *Habeas Corpus* to releaſe their Member; and that the Warden ſhould be brought from the *Tower* to the Door of the Fleet, and there to have it ſerved upon him by the Serjeant, and then to be returned to his Dungeon of *Little-Eaſe* again. The Form of all theſe Warrants are in the *Journals*; but there is a *Memorandum* added to this laſt, 'That Mr. 'Vice-Chamberlain was, privately, inſtructed to 'go to the King, and humbly deſire that he would 'be pleaſed to command the Warden, on his Al-'legiance, to deliver up Sir *Thomas*; not as peti-

'tioned

'tioned for by the Houſe, but as if himſelf thought 'it fit out of his own gracious Judgment.' An. 2 James I. 1604.

It is likely this laſt Method prevailed; for we find that Sir *Thomas* was delivered up, by a Petition ſent to the Houſe from the Warden, in his ſtrait Durance, and praying to be releaſed from it. However, the Houſe thought fit to continue him, in the ſame diſmal Hole, ſome Time longer; when, at laſt, being ordered to be brought to the Bar, on his Knees, 'He confeſſed his Error and 'Preſumption, and profeſſed that he was unfeign-'edly ſorry that he had ſo offended that honourable 'Houſe.' On which, the Speaker, by Direction of the Houſe, pronounced his Pardon and diſcharged him, paying the ordinary Fees.

We have now gone through the moſt remarkable Proceedings of either Houſe in this Seſſion of Parliament, which began on the 19th Day of *March* 1603, and ended on the 7th of *July*, in the Year 1604; as long a Seſſion as we have yet met with. There was a great Deal of Buſineſs done at it, our Statute-Books enumerating no leſs than 33 Acts paſſed, but the Catalogue in the Lords *Journal* mount them to 120. Many of theſe were private Acts, particularly, for Naturalizing ſeveral *Scotchmen* and Families come over with the new King; ſome other Bills which paſſed both Houſes were rejected.

On *Saturday*, *July* 7th, the King came to the Houſe of Lords, about Two in the Afternoon; and, being ſeated on the Throne, the Commons and their Speaker were ſent for; who, on preſenting the Bills, made the following Speech to his Majeſty:

'HISTORY, moſt high and mighty So-'vereign, is truly approved to be the Trea-'ſure of Times paſt, the Light of Truth, the 'Memory of Life, the Guide and Image of Man's 'preſent Eſtate, Pattern of the Things to come, 'and the true Work-miſtreſs of Experience, the The Speaker's Speech at the Cloſe of the Seſſion.

An. 2 James I. 1604. ‘ Mother of Knowledge; for therein, as in a ‘ Cryſtal, there is not only preſented unto our ‘ Views the Virtues, but the Vices; the Perfec- ‘ tions, but the Defects; the Good, but the Evil; ‘ the Lives, but the Death, of all precedent Go- ‘ vernors and Government, which held the Reins ‘ of this Imperial Regiment: Where, although ‘ the ſame hath ever been managed with one Idea, ‘ or Form of Government; namely, by the Laws ‘ Direction, by Kings Rule, by Senates Advice, ‘ and by Magiſtrates Diſcipline; yet hath the ‘ ſame budden Fruits of ſeveral Kinds of Senſe, ‘ moving from the Uſe or Abuſe of Laws Direc- ‘ tion, from the Virtue or Error of Kings Rule, ‘ from the Good or Evil of Senates Advice, or ‘ from the Juſtice or Injuſtice of Magiſtrates Diſ- ‘ cipline: For as good Government is the Guide- ‘ Miſtreſs of human Happineſs, and Tutreſs of ‘ publick Commodity; ſo is ill Government the ‘ devouring Tyrant of Subjects Bliſs, and the ve- ‘ nomous Poiſoner of Commonwealth well doing.

The Laws.

‘ The Laws, whereby the Ark of this Govern- ‘ ment hath been ever ſteered, are of three Kinds; ‘ the firſt, the Common Law, grounded or drawn ‘ from the Law of God, the Law of Reaſon, and ‘ the Law of Nature, not mutable; the ſecond, ‘ the poſitive Law, founded, changed, and alter- ‘ ed by and through the Occaſions and Policies of ‘ Times; the third, Cuſtoms and Uſages, prac- ‘ tiſed and allowed with Time's Approbation, ‘ without known Beginnings: Wherein although ‘ we differ from the Laws of other States Govern- ‘ ment, yet have the Authors thereof imitated the ‘ approved Excellency of *Plato* and *Ariſtotle*, fram- ‘ ing their Laws according to the Capacity, Na- ‘ ture, Diſpoſition, and Humour of the Place and ‘ People; by the Level of whoſe Line this State ‘ hath been commanded, governed, ſupported, and ‘ maintained theſe * * * Years, not inferior, but ‘ in equal Balance with any confining Regiment ‘ whatſoever; and have, by the Touchſtone of ‘ true

'true Experience, approved to be to the King his Sceptre, to the Senate the Oracle of Counsel, to the Judge the Rule of Justice, to the Magistrate the Guide of Discipline, to the Subject the School-mistress of Obedience, to the Multitude the Preventer of Ignorance, the Standard-bearer of Sedition, and, generally to all, the Bond, that tieth Men to civil and orderly Course of Life. Finally, Laws are only Dials of true Direction; Direction the Weapons of Government; Government the Armour of Peace; and Peace, the true Perfection of all worldly Happiness: But contrarywise, no Laws, no Direction; no Direction, no Government; no Government, no Peace; no Peace, utter Destruction; for, *sine Imperio*, neither House, neither City, neither Nation, neither Mankind, nor the Nature of Things, *nec ipse Mundus stare potest*. And yet the Good or Ill, both of Laws, and of each worldly Thing, consisteth in the Use or Abuse of the same; as, if well used, it yieldeth the Sweet of his true Property; but, if abused, that Sweet is turned to Sour; or, if not used, loseth his Virtue: As, amongst earthly Things, Food hath his Precedency; for, being well used, it maintaineth and supporteth the Life and Nature of Man; but abusedly taken, by Surfeit destroyeth the Body; or if not used, remaineth fruitless; so the Laws, if well disposed, are the Stern, that wieldeth the Ark of Civil Government; but perverted, become the Instruments of Destruction; or not executed, become *Corpus sine Anima*; and therefore are to receive either Life or Death, by the Good or Ill of the King's Rule, the Senates Advice, and the Magistrates Discipline.

An. 2 James I. 1604.

'As concerning the Bliss or Bane of Kings Government, which in itself, and of itself, representeth a Divine Majesty, it consisteth in two general Parts; the one, Example, the other, Command: For as, from below, we receive either Light or Darkness from above, so doth the Subject from the Prince's Example receive

An. 2 James I. 1604.

'either his Virtue, or his Vice; and Experience 'approveth, that the Estate of Commonwealths 'changeth with the Alteration of Princes Prece- 'dent. And therefore the Errors of Princes are 'not hurtful in themselves, as are their erroneous 'Examples; whereby their People become infected: 'For it hath, and ever will be approved true, that 'Subjects, by Imitation of their Princes Example, 'for the most Part become like unto themselves; 'for the excellent Splendor of the King's Virtue 'doth not only incite all Subjects to behold them, 'but exceeding Admiration and Imitation to 'love them, and, by loving, to observe them. 'And therefore the Virtue of *Vespasianus* Ex- 'ample wrought more effectual Good amongst 'his People, than his Laws: For *Obsequium in 'Principes et æmulandi Amor*, are, of all other, 'most excellent Tractives to the Good or Ill of 'Subjects Course of Life; and therefore the more 'curiously and respective ought they to be in their 'Acts and Actions, as the leading Stars of the 'People's Direction. The other resteth in his 'absolute Power of Command: For although the 'Law may direct, the Senate advise, and the 'Magistrate execute; yet to determine and com- 'mand is proper to the King himself: And there- 'fore his Commands ought to be religious, for he 'therein becometh the President of many Millions 'of Souls; they ought to be just, for he sitteth 'in the Judgment Seat of the absolute King of 'Justice; they ought to be tempered with Mercy, 'for he representeth the divine Image of Mercy; 'they ought to be mild, for he is the Father and 'the Subjects his Children; they ought to be pre- 'servative, and not devouring, for he is the Shep- 'herd, and they the Flock; they ought rather to 'prevent the Cause of Offence, than punish the Of- 'fender, for one is much more honourable than the 'other; they ought to be warranted by Law, for 'both by Office and Oath he is bound to his Law; 'they ought to proceed from Reason, for thereby 'he is reverenced as a God amongst Men; they 'ought

'ought to be prudent, for that makes him deified An. 2 James I. 1604.
'with Fame and Renown. *Lycurgus* never com-
'manded ought to be done, that himself would
'not do; which made him honoured, reverenced,
'and obeyed; but *Sylla* commanding Sobriety,
'Temperance, and Frugality, himself practising
'the contrary, was both contemned and scorned:
'And therefore the King ought to patronize his
'Command by his Actions. *Themistocles* demand-
'ed, whether he were a good Poet, that in sing-
'ing would transgress the true Rules of Musick?
'Being answered, No; replied, no more is that
'King, that commands without his Law. *Theo-*
'*pompus* being asked, why *Lacedæmon* did so flourish;
'answered, because their King knew how to
'command; and Commandments, justly com-
'manded, exact Performance; but Things, un-
'duly required, do breed Mislike, and sometimes
'enforce Refusal. *Claudian* therefore concludeth,
'*Peraget tranquilla potestas, Quod violenta nequit;*
'*mandataque fortius urget Imperiosa quies:* And
'more gracious is the Name of Piety, than of
'Power. To conclude, Princes, by the Perfec-
'tion of their Examples, and by the Virtue of
'their just Commands, become to God accept-
'able, to the World renowned, to their People
'beloved, to all Men with Reverence admired,
'and in the End with Glory immortalized; but
'if their Commands be unjust, unmerciful, cruel,
'devouring, lawless, unreasonable, and impru-
'dent, he loseth the glorious Title of a good King,
'and becometh eternized with the deathless Fame
'of an hellish Tyrant; which all good Kings
'ought to eschew, as the devouring Devil of their
'Fame, Renown, and Eternity.

'The third Place in the Commonwealth hath
'the Senate: For no King can, with his Dili-
'gence and only Wisdom, equally govern the
'whole Estate; for it is rather the Virtue of God,
'than Man, effectually to know all Things ap-
'pertaining to Government: And therefore, as
'it is necessary for a Prince to see with his own

An. 2 James I. 1604. ‘ Eyes, to hear with his own Ears, and to direct ‘ by the Dial of his own Judgment; ſo is it re- ‘ quiſite for a Prince to have many Eyes, many ‘ Ears, many Tongues, many Hands, many ‘ Feet, and many Wits, to ſee, to hear, to diſ- ‘ patch, to inform, and adviſe, for, in, and con- ‘ cerning the publick State, as Preparatives to his ‘ commanding Judgment, and Preſervatives againſt ‘ the common Evil. *Romulus* therefore refuſed ‘ to undergo the Burden of Government alone, ‘ but choſe unto himſelf a hundred Senators. *Tra- ‘ janus* called his Senate his Father; for as the ‘ Father doth foretel his Son of the Good or Ill ‘ that may befal him, ſo ought the Senate to ad- ‘ moniſh the King of Things profitable, and unpro- ‘ fitable, to him and the State. The Senate there- ‘ fore ought to know the Law, the Liberties, the ‘ Cuſtoms, the Uſe, and Diſcipline, wherewith ‘ the State is governed; they ought not only to ‘ know the Means, whereby the State may be ‘ beautified, amplified, and preſerved, but alſo ‘ how the ſame may be weakened, impeached, or ‘ ſubverted; they ought alſo to know, what is ‘ the Majeſty, Prerogative, Greatneſs, and Juriſ- ‘ diction of a King, and what is the due Right ‘ and Liberty of Subjects; for they are the Mean, ‘ and Judges between Force and Fear, Liberty ‘ and Servitude, the King and his People. A ‘ Counſellor ought therefore to be temperate, not ‘ paſſionate in his Affections; moderate, not ‘ tranſported with Appetites; mortified by Years, ‘ not inveigled by Youth; grave in his Behaviour, ‘ not light in his Condition; juſtly wiſe in his Ad- ‘ vice, not crafty in his Counſel; virtuous in his ‘ Converſation, not vicious in his Diſpoſition: A ‘ Counſellor thus complete, is to the King a ‘ watchful Tower, to the Law a graceful Orna- ‘ ment, to Government an abſolute Guide, and ‘ to the People a beloved Oracle; but if he be ‘ paſſionate in his Affections, tranſported in his ‘ Appetites, inveigled by his Youth, light in his ‘ Condition, crafty in his Counſel, and vicious in

‘ his

' his Diſpoſition; then becometh he to the King ' a regardleſs and watchleſs Tower, to the Law a ' diſgraceful Blemiſh, to the Government a blind ' diſſolute Guide, and to the People a contemned ' fabulous Deceiver. An. 2 James I. 1604.

' The next and immediate ſubſequent Place in ' the Commonwealth hath the Magiſtrate; for in ' vain is the Laws Direction, the King's Com- ' mand, and the Senate's Advice, if not by the ' Magiſtrate's Diſcipline executed: For Laws, ' Command, and Advice receive not their Autho- ' rity, when they are enacted, given, or adviſed, ' but when they are executed; not when they are ' enacted, but when they are obſerved; and there- ' fore the Commonwealth doth put upon the Ma- ' giſtrate the Perſon of Severity, to execute the ' Laws Direction, Prince's Command, and the ' Senate's Advice. The *Roman* Magiſtrate there- ' fore ſaid, my Mother had brought me into the ' World of mild and gentle Diſpoſition, *Sed Reſ- ' publica me ſeverum fecit:* For Laws are delivered ' to the Magiſtrate, as a Sword, to cut off the ' Reins of licentious Liberty; but if the Magiſtrate ' keep it ſheathed or ruſty, is there any that will dread ' the Correction of ſo ſheathed or ruſty a Weapon? ' Secondly, Laws are ordained as Rules or Lines of ' Mens Lives; but if the Magiſtrate, through Fear ' or Pity, ſhall bend them to and fro, is there any ' Man that will regard ſo leaden a Rule? Thirdly, ' Laws are eſtabliſhed as Walls, or Forts, or De- ' fence againſt Diſorder; but if the Magiſtrate ' ſhall ſuffer them to melt with Favour, or rend ' aſunder with Corruption, will not all Men con- ' temn ſuch Walls of Wax, or Forts of Cobwebs? ' The Memory of *Nerva* his Example approveth ' it; who, through too tender a Conceit of Pity, ' was noted over-ſparing in Puniſhment of the ' People's Inſolencies; but in the End, his City ' thereby grew into ſuch Contempt, both of his ' Perſon and Government, that of him it was ' ſaid, That better it were for all good Men to ' live under the Government of *Domitian*, under ' whom

An. 2 James I. 1604. ‘whom nothing was lawful, than under *Nerva*, ‘where all Things were lawful. And therefore ‘the Magiſtrate ought to be *ſciens, juſtus, et fortis*: ‘Firſt, to know what he is to execute; ſecondly, ‘to be juſt in his Execution; and thirdly, not to ‘fear the Face of any, in that he ought to exe‘cute; for he is the living Law, and the Law of ‘the dumb Magiſtrate: And nothing is more per‘nicious in the Commonwealth, than an ignorant, ‘unjuſt, and timorous Magiſtrate. To conclude, ‘as the End of the Sailor's Endeavour is good ‘Paſſage, the Phyſician's Travel, Health, the ‘Captain's Labour, Victory; ſo the well Diſci‘plining of the People ought to be the Magiſtrate's ‘true Endeavour; which if he regardfully per‘form, then becometh he a good Pilot, a provi‘dent Phyſician, a victorious Captain, and a juſt ‘well-deſerving Magiſtrate; but if he be ignorant, ‘remiſs, timorous, unjuſt, or corrupt; then is ‘he to the Life of the Law a deathful Murtherer, ‘to the Soul of the King's Juſtice a betraying ‘Teacher, to the Virtue of Senates Advice a de‘ceiving Evil, and to the Body of the Common‘Wealth a devouring Wolf.

‘A People, by the Direction of ſuch Laws, ‘by the Grace, Wiſdom, and Juſtice of ſuch a ‘King, by the Advice of ſuch a Senate, and by ‘the Diſcipline of ſuch Magiſtrate, governed, if ‘not then loyal and obedient, are rather the ‘Whelps of Wolves, than Sons of Men; rather ‘Monſters of Nature, than Creatures of Reaſon; ‘nay, more Devils in Condition, than Profeſſors ‘of Religion: From the Corruption of which ‘Error your Majeſty ſhall ever approve us to be ‘as free, as Virtue is from Vice. And though, ‘during the Time of theſe our Parliament Coun‘ſels, we have, (through the Warrant of our long ‘continued Privilege, your gracious Approbation ‘thereof, your Patience in hearing, your Wiſdom ‘in diſcerning, your Juſtice in adjudging, and ‘your Clemency in relieving) preſumed of you, ‘as of our King, but more of you, as of our

'good King, nay, moſt of all of you, as a moſt 'abſolute good Man, to propound, diſpute, aſſent, 'and diſaſſent, freely; to implore your royal Pro- 'tection of our long-continued Liberties, your 'gracious relieving of our Burdens (not by Autho- 'rity impoſed, but by the Corruption of baſe Of- 'ficers extorted) and your diſcerning Conſideration 'of our feared Dangers; wherein although we 'have proceeded without Flattery or Cowardice '(the one never being a true Counſellor, nor the 'other a good Subject) yet hath the ſame been 'without Hearts or Minds Thought, either to 'diſtaſte your gracious Pleaſure, or to detract 'ought, that in Right, Honour, or Prerogative, 'yourſelf in your great Wiſdom ſhould affect as 'good: For your Glory is, and muſt be, your Ho- 'nour, your Greatneſs our Protection, your A- 'bundance our Riches, your Safety our Security, 'your Content our Joy; otherwiſe were we wor- 'thily unworthy of the Bleſſings of the Religion, 'of the Peace, of the Safety, of the Grace, and, 'generally, of all the Fruits of Happineſs, which 'by you, from you, and under you, we do, and 'hope ever to poſſeſs. And as out of your prince- 'ly Grace you pleaſed (to our exceeding Hearts 'Comfort) to ſay, that you more joyed to be 'King of ſuch Subjects, than to be King over 'many Kingdoms; ſo do we, with true Zeal and 'Faith, proteſt more to joy in being the Subjects 'of ſuch a King, than in the Freedom of any 'Liberty, which we ſhall ever with our Hearts 'Life Blood endeavour to approve againſt all Op- 'poſers and Oppoſition: And as God let him en- 'dure the Torment of ever dying Death, that 'otherwiſe ſhall in Mind conceit, or in Heart 'conſent; ſo let him live hatefully to God and 'Man, that ſhall endeavour, or occaſion in the 'leaſt, to impeach and violate ſo royal and loyal a 'Conjunction between a Head ſo abſolutely peer- 'leſs, and a Body ſo faithfully loyal. And altho' 'your Majeſty, more ſeeking to enrich your Trea- 'ſure with the Hearts and Minds of us your Sub- 'jects,

An. 2 James I. 1604.

An. 2 James I. 1604.

'jects, than with the Money and Treasure of our 'Purses, have lately, out of your abundant Grace, 'prevented our concluding to present you with a 'Subsidy of Crowns and Coin, being but a Blos- 'som of the fruitful ever-bearing Tree of our 'abundant Love, Loyalty, and Duty (which we 'sooner shall leave to live, than leave unperform- 'ed) yet give us leave (of all other most worthy 'to be beloved Sovereign) not only to present you 'with our humble and dutiful Thanks, but also 'to present you with five Subsidies, of far more 'precious Price and Worth: 1. The first consist- 'ing of many Millions of affectionated Hearts to 'love you: 2. Of Number of loyal Minds to 'obey you: 3. Of as many zealous Spirits to pray 'for you: 4. Of as equal proportioned Hands to 'fight for you: 5. And with the Treasure of the 'whole Kingdom to supply you; which the World 'shall both feel and know, when, where, and 'against whom whatsoever, your Majesty shall be 'pleased to dispose and command us. This we 'profess, protest, and present, neither out of ser- 'vile Fear, nor base Flattery, both hateful to a 'King so absolute, wise, magnanimous, and gra- 'cious; but out of our endless Loves, Duties, 'and Loyalties, whereunto Death only, and nought 'else but Death, shall be of Force to give End.'

There is no Speech of the King's, or the Lord Chancellor, entered, for this Time, in either *Journal*; and no more is said, in the Lords, than, that the Lord Chancellor, by the King's Command, prorogued this Parliament to the 7th Day of *February*, next ensuing.

Notwithstanding the great Affair of the *Union* was still obstructed, though the King laboured hard to bring it about; yet, by the Advice of his Council, he was this Year proclaimed King of *Great Britain*, *France* and *Ireland*, that the Names of *England* and *Scotland* might from henceforth be extinct. *Scottish* Coins were made Current, and the

The Royal Style declared, by Proclamation, to be, King of *Great-Britain*, &c.

Arms

Arms of both Kingdoms quartered, on all Standards, Military and Civil, throughout both the Nations. Peace was also proclaimed here between *England* and *Spain*, on the 5th of *August*, 1604 (*o*). An. 2 James I. 1604. Peace with Spain.

The Parliament met the 7th of *February*, according to Prorogation, and were prorogued by Commission, to the 3d of *October*. At which Time they were again prorogued, in the same Manner, to the 5th of *November* following; and on that Day, to the 9th of the said Month. Anno Regni 3, 1605. At Westminster.

During which last mentioned Periods, was discovered the deepest and blackest Plot that ever was laid against King and Kingdom: So vile and execrable in its Nature, that no Religion could tolerate, nor no Cause whatsoever give a Sanction to it. The Reader will presently comprehend that the infamous *Gun-Powder-Plot* is here meant; the Account of which is so amply given by all our *English* Historians. It has been pretended indeed by some, that this was a sham Plot from the Beginning, and it has been called *Cecil's* Plot; by others, that the King and Ministry were well informed of the whole Contrivance of it from the first, and only waited to see how many would join in the Devilish Scheme.———But, as the Business of *these Enquiries*, is only to give the Sense of an *English Parliament*, on this formidable Affair, we shall leave any further Animadversions upon it; and go on with the Proceedings of this second Session of the first Parliament in this Reign. The Gunpowder Plot discovered.

In the *Journals* of the *Commons*, *November* 5th, we find this Entry. 'This last Night the Upper 'House of Parliament was searched by Sir *Thomas* 'Knevett; and one *Johnston*, Servant to Mr. *Tho-* 'mas *Percye*, was there apprehended; who had 'placed thirty-six Barrels of Gun-Powder in the 'Vault under the House, with a Purpose to blow 'up the King and the whole Company when they 'should there assemble.——Afterwards, divers o- 'ther Gentlemen were discovered to be of the Plot.'

The

(*o*) *Wilson's* Life of King *James* I. and *Camden's* Annals.

An. 2 James I. 1604. The *Lords Journals* tells us, That on the 9th of *November*, the Houſe being met, and the King ſeated on the Throne, the Lord Chancellor opened the Seſſion, with giving ſome Account of what had paſſed between the Commiſſioners of *England* and *Scotland*, at their late Meeting, according to an Act made for that Purpoſe laſt Seſſion of Parliament. Afterwards, he preſented to his Majeſty and the Houſe two Copies of the Tripartite Writings agreed on (*p*), one of which was delivered openly to the Clerk of Parliament, to be kept in his Cuſtody till a farther Proceeding in that Buſineſs. He then made a Relation of the moſt wicked and horrible Treaſon ever heard of; intended againſt his Majeſty and the whole State; which was purpoſed to have been put in Execution on *Tueſday*, the 5th Inſtant, the firſt Day of this Seſſion, holden by Prorogation.

The Lord Chancellor having ended, the King began to tell the Houſe, that he came there, at this Time, (contrary to the Cuſtom of any of his Predeceſſors, at the Beginning of any Seſſion of Parliament, holden by Prorogation) on Purpoſe to receive the Writing which had juſt then been delivered in; that no Stop might be put to that Proceeding. Afterwards his Majeſty made an ample Declaration to both Houſes, of the late moſt horrible Treaſon, in the following Speech from the Throne (*q*).

My

(*p*) 1. For the King: 2. The Parliament of *England*: 3. The Parliament of *Scotland*.

(*q*) This Speech is taken from a Book, entituled, *A Diſcourſe of the Manner of the Diſcovery of this late intended Treaſon, joined with the Examination of ſome of the Priſoners.* (Imprinted at *London*, by *Robert Barker*, Printed to the King's Moſt Excellent Majeſty, *Anno* 1605.) And is compared by the *Lords Journals*.

The Embaſſadors of *Spain* and the Archduke of *Auſtria* were preſent in the Houſe at this Speech; according to *Edmund Howes*, the Continuator of *John Stowe*'s Chronicle.

Oſborne tells us, 'That after this happy Diſcovery, his *Catholic* 'Majeſty ſent an Agent on purpoſe to *Congratulate* King *James* his 'great Preſervation. A Flattery ſo palpable, as the *Pope* could not 'refrain Laughing in the Face of Cardinal *D'Oſſat* when he firſt 'told it him; nor he forbear to inform his King of it, as may be 'found in his printed Letters: It being notorious, that at King 'James his firſt Aſſumption to the Throne of *England*, none ſought 'his Deſtruction more cordially than the *Spaniard*.'

Oſborne's Memorials of King *James*; 8vo, p. 437.

My Lords Spiritual and Temporal, and You the Knights and Burgeſſes of this Parliament. An. 2 James I. 1604.

'IT was far from my Thoughts, till very lately before my Coming to this Place, that this Subject ſhould have been miniſtred unto me, whereupon I am now to ſpeak. But now it ſo falleth out, That whereas in the preceding Seſſion of this Parliament, the principal Occaſion of my Speech was, to thank and congratulate all you of this Houſe, and in you, all the whole Common-wealth (as being the repreſentative Body of the State) for your ſo willing, and loving receiving, and embracing of me in that Place, which God and Nature, by Deſcent of Blood, had in his own Time provided for me: So now my Subject is, to ſpeak of a far greater Thankſgiving than before I gave to you, being to a far greater Perſon, which is to God, for the great and miraculous Delivery he hath at this Time granted to me, and to you all, and conſequently to the whole Body of this Eſtate. The King's Speech upon that Occaſion.

'I muſt therefore begin with this old and moſt approved Sentence in Divinity, *Miſericordia Dei ſupra omnia opera ejus.* For Almighty God did not furniſh ſo great Matter to his Glory, by the Creation of this great World, as he did by the Redemption of the ſame. Neither did his Generation of the little World, in our old and firſt *Adam*, ſo much ſet forth the Praiſes of God in his Juſtice and Mercy, as did our Regeneration in the laſt and ſecond *Adam*.'

'And now I muſt crave a little Pardon of you, (That ſince Kings are in the Word of God itſelf called Gods, as being his Lieutenants and Vicegerents on Earth, and ſo adorned and furniſhed with ſome Sparkles of the Divinity;) to compare ſome of the Works of God the Great King, towards the whole and general World, to ſome of his Works towards me, and this little World of my Dominions, compaſſed and ſevered by the Sea from the reſt of the Earth. For

An. 2 James I. 1604. ‘as God, for the just Punishment of the first ‘great Sins in the original World, when the Sons ‘of God went in unto the Daughters of Men, and ‘the Cup of their Iniquities of all Sorts was filled, ‘and heaped up to the full, did by a general Deluge ‘and Overflowing of Waters, baptize the World ‘to a general Destruction, but not to general Purgation: (only excepted *Noah* and his Family, ‘who did repent and believe the Threatenings of ‘God's Judgment:) So now, when the World ‘shall wax old as a Garment, and that all the ‘Impieties and Sins that can be devised against ‘both the first and second Table, have, and shall ‘be committed to the full Measure; God is to punish the World the second Time by Fire, to the ‘general Destruction and not Purgation thereof. ‘And, as it was done in the former to *Noah* and ‘his Family by the Waters; so shall all we that ‘believe be likewise purged, and not destroyed by ‘the Fire. In the like Sort, I say, I may justly ‘compare these two great and fearful Dooms-Days, ‘wherewith God threatened to destroy me, and ‘all you of this little World that have Interest in ‘me. For although I confess, as all Mankind, ‘so chiefly Kings, as being in the higher Places ‘like the high Trees, or stayest Mountains, and ‘steepest Rocks, are most subject to the daily ‘Tempests of innumerable Dangers; and I amongst ‘all other Kings, have ever been subject unto ‘them, not only ever since my Birth, but even, as ‘I may justly say, before my Birth, and while I ‘was yet in my Mother's Belly: Yet have I been ‘exposed to two more special and greater Dangers ‘than all the rest.’

‘The first of them, in the Kingdom where I ‘was born, and passed the first Part of my Life: ‘And the last of them here, which is the greatest. ‘In the former, I should have been baptized in ‘Blood, and in my Destruction, not only the ‘Kingdom, wherein I then was, but ye also, by ‘your future Interest, should have tasted of my ‘Ruine. Yet it pleased God to deliver me, as it ‘were,

'were, from the very Brink of Death, from the 'Point of the Dagger, and ſo purge me by my 'thankful Acknowledgment of ſo great a Benefit. 'But in this which did ſo lately fall out, and which 'Deſtruction was prepared not for me alone, but 'for you all that are here preſent, and wherein no 'Rank, Age, or Sex ſhould have been ſpared: 'This was not a crying Sin of Blood as the for-'mer; but it may well be called a roaring, nay, a 'thundering Sin of Fire and Brimſtone, from the 'which God hath ſo miraculouſly delivered us all. 'What can I ſpeak of this, I know not: Nay, 'rather, what can I not ſpeak of it? And there-'fore I muſt for Horror ſay with the Poet; *Vox faucibus hæret.*'

An. 3 James I. 1605.

'In this great and horrible Attempt, whereof 'the like was never either heard or read; I obſerve 'three wonderful, or rather miraculous Events.'

'Firſt, in the Cruelty of the Plot itſelf; where-'in cannot be enough admired the horrible and 'fearful Cruelty of their Device, which was not 'only for the Deſtruction of my Perſon, nor of 'my Wife and Poſterity only, but of the whole 'Body of the State in general; wherein ſhould 'neither have been ſpared, or Diſtinction made of 'Young nor of Old, of Great nor of Small, of 'Man nor of Woman: The whole Nobility; 'the whole Reverend Clergy, Biſhops, and moſt 'Part of the good Preachers; the moſt Part of 'the Knights and Gentry; yea, and if that any 'in this Society were Favourers of their Profeſ-'ſion, they ſhould all have gone one Way: The 'whole Judges of the Land, with moſt of the 'Lawyers and the whole Clerks: And, as the 'Wretch himſelf that is in the Tower, doth con-'feſs, it was purpoſely deviſed by them, and con-'cluded to be done in this Houſe: That where 'the cruel Laws (as they ſay) were made againſt 'their Religion, both Place and Perſons ſhould all 'be deſtroyed and blown up at once. And then 'conſider therewithal the cruel Sort of that Prac-'tice:

An. 3 James I. 1605. ‘tice: For by three different Sorts, in general, may ‘Mankind be put to Death.’

‘The First, by other Men, and reasonable Creatures, which is least cruel; for then both Defence of Men against Men may be expected, and likewise who knoweth what Pity God may stir up in the Hearts of the Actors at the very Instant? Besides the many Ways and Means, whereby Men may escape in such a present Fury.’

‘And the second Way more cruel than that, is by animal and unreasonable Creatures: For as they have less Pity than Men, so it is a greater Horror, and more unnatural for Men to deal with them: But yet with them both Resistance may avail, and also some Pity may be had; as was in the Lions, in whose Den *Daniel* was thrown; or that thankful Lion, that had the *Roman* Slave in his Mercy.

‘But the Third, the most cruel and unmerciful of all, is the Destruction by insensible and inanimate Things; and amongst them all, the most cruel are the two Elements of Water and Fire; and of those two the Fire most raging and merciless.

‘Secondly, How wonderful it is when you shall think upon the small, or rather no Ground, whereupon the Practisers were enticed to invent this Tragedy. For if these Conspirators had only been Bankrupt Persons, or Discontented upon Occasion of any Disgrace done unto them; this might have seemed to have been but a Work of Revenge. But for my own Part, as I scarcely ever knew any of them; so cannot they alledge so much as a pretended Cause of Grief: And the Wretch himself, in Bands, doth confess, That there was no Cause moving him or them, but meerly and only Religion. And specially, that Christian Men, at least so called, *English-men*, born within the Country (*r*), and one of ‘the

(*r*) This was *Thomas Percy*, Esq. one of the Band of Gentlemen Pensioners. *Stowe's Chronicle.*

'the Specials of them, my ſworn Servant in an honourable Place, ſhould practice the Deſtruction of their King, his Poſterity, their Country and all; wherein their following Obſtinacy is ſo joined to their former Malice, as the Fellow himſelf that is in Hand, cannot be moved to diſcover any Signs or Notes of Repentance; except this, that he doth yet ſtand to avow, that he repents only for not being able to perform his Intent. An. 3 James I. 1605.

'Thirdly, The Diſcovery hereof is not a little wonderful, which would be thought the more miraculous by you all, if you were as well acquainted with my natural Diſpoſitions as thoſe are who be near about me. For as I ever did hold Suſpicion to be the Sickneſs of a Tyrant; ſo was I ſo far upon the other Extremity, as I rather contemned all Advertiſements, or Apprehenſions of Practices. And yet now, at this Time, was I ſo far for contrary to myſelf, as when the Letter was ſhewed to me by my Secretary, wherein a general, obſcure Advertiſement was given of ſome dangerous Blow at this Time; I did upon the Inſtant interpret and apprehend ſome dark Phraſes therein, contrary to the ordinary Grammar-Conſtruction of them, (and in another Sort than I am ſure any Divine, or Lawyer in any Univerſity would have taken them) to be meant by this horrible Form of Blowing us up all by Powder; and thereupon ordered that Search to be made, whereby the Matter was diſcovered, and the Man apprehended: Whereas if I had apprehended or interpreted it to any other Sort of Danger, no worldly Proviſion or Prevention could have made us eſcape our utter Deſtruction.'

'And in that Caſe, there was a wonderful Providence of God, that, when the Party himſelf was taken, he was but new come out of his Houſe from Working, having his Fire-work for kindling ready in his Pocket; wherewith, as he confeſſeth, if he had been taken but immediately

An. 3 James I. 1605. 'before, when he was in the Houſe, he was reſolv-
'ed to have blown up himſelf with his Takers.'

'One Thing, for my own Part have I Cauſe
'to thank God in; That if God, for our Sins,
'had ſuffered their wicked Intents to have prevail-
'ed, it ſhould never have been ſpoken nor written
'in Ages ſucceeding, that I had died inglorioufly
'in an Ale-houſe, a Stews, or ſuch vile Place;
'but mine End ſhould have been with the moſt
'Honourable and beſt Company, and in that
'moſt Honourable and fitteſt Place for a King to
'be in, for doing the Turns moſt proper to his
'Office: And the more have We all Cauſe to
'thank and magnify God for this his merciful De-
'livery. And ſpecially I for my Part, that he
'hath given me yet once Leave, whatſoever ſhould
'come of me hereafter, to aſſemble you in this
'Honourable Place; and here in this Place, where
'our general Deſtruction ſhould have been, to
'magnify and praiſe him for our general Delivery;
'that I may juſtly now ſay of mine Enemies and
'yours, as *David* doth often ſay in the *Pſalms*, *In-*
'ciderunt in foveam, quam fecerunt. And ſince
'*Scipio* an *Ethnick*, led by the Light of Nature,
'that Day when he was accuſed by the Tribunes
'of the People of *Rome*, for miſpending and
'waſting in his *Punick* Wars the City's Treaſure,
'even upon the ſudden brake out with that Diver-
'ſion of them from that Matter, calling them to
'Remembrance how that Day was the Day of
'the Year, wherein God hath given them ſo
'great a Victory againſt *Hannibal*; and therefore
'it was fitter for them all, leaving other Matters
'to run to the Temple to praiſe God for that ſo
'great Delivery, which the People did all follow
'with one Applauſe: How much more Cauſe
'have we, that are Chriſtians, to beſtow this Time
'in this Place for Thankſgiving to God for his
'great Mercy, though we had had no other Errand
'of Aſſembling here at this Time; wherein, if I
'have ſpoken more like a Divine, than would ſeem
'to belong to this Place, the Matter itſelf muſt

'plead

'plead for mine Excuſe: For being here come to thank God for a Divine Work of his Mercy; how can I ſpeak of this Deliverance of us from ſo helliſh a Practice, ſo well, as in Language of Divinity, which is the direct oppoſite to ſo damnable an Intention? And therefore may I juſtly end this Purpoſe, as I did begin it with this Sentence, *The Mercy of God is above all his Works.*' An. 3 James I. 1605.

'It reſteth now, that I ſhould inform you what 'is to be done hereafter, upon the Occaſion of this 'horrible and ſtrange Accident. As for your Part, 'that are my faithful and loving Subjects of all 'Degrees, I know that your Hearts are ſo burnt 'up with Zeal in this Errand, and your Tongues 'ſo ready to utter your dutiful Affections, and 'your Hands and Feet ſo bent to concur in the 'Execution thereof, (for which as I need not to 'ſpur you, ſo can I not but praiſe you for the 'ſame) As it may very well be poſſible, that the 'Zeal of your Hearts ſhall make ſome of you 'in your Speeches, raſhly to blame ſuch as may 'be innocent of this Attempt. But upon the 'other Part I wiſh you to conſider, that I would 'be ſorry that any being innocent of this Practice, 'either domeſtical or foreign, ſhould receive Blame 'or Harm for the ſame. For although it cannot 'be denied, That it was the only blind Super-'ſtition of their Errors in Religion, that led them 'to this deſperate Device; yet dot it not follow, 'That all profeſſing that *Romiſh* Religion were 'guilty of the ſame. For as it is true, That no 'other Sect of Hereticks, not excepting *Turk*, '*Jew*, nor *Pagan*, no not even thoſe of *Calicute* 'who adore the Devil, did ever maintain by the 'Grounds of their Religion, That it was lawful, 'or rather meritorious (as the *Romiſh* Catholicks 'call it) to murder Princes or People for Quarrel 'of Religion. And although particular Men of 'all Profeſſions of Religion have been ſome Thieves, 'ſome Murtherers, ſome Traitors; yet ever when 'they came to their End and juſt Puniſhment, they 'confeſſed their Fault to be in their Nature, and

An. 3 James I. 1605.

not in their Profeſſion: (theſe *Romiſh* Catholicks only excepted) Yet it is true on the other Side, That many honeſt Men blinded, peradventure, with ſome Opinions of Popery, as if they be not found in the Queſtions of the *Real Preſence*, or in the Number of the Sacraments, or ſome ſuch School Queſtion; yet do they either not know, or at leaſt, not believe all the true Grounds of Popery, which is, indeed, *The Myſtery of Iniquity*. And therefore do we juſtly confeſs, that many Papiſts, eſpecially our Fore-fathers, laying their only Truſt upon *Chriſt* and his Merits at their laſt Breath, may be, and often-times are ſaved; deteſting in that Point, and thinking the Cruelty of *Puritans* worthy of Fire, that will admit no Salvation to any *Papiſt*. I therefore thus do conlude this Point; That as upon the one Part many honeſt Men, ſeduced with ſome Errors of Popery, may yet remain good and faithful Subjects: So upon the other Part, none of thoſe that truly know and believe the whole Grounds, and School Concluſions of their Doctrine, can ever prove either good Chriſtians, or faithful Subjects. And for the Part of foreign Princes and States, I may ſo much the more acquit them and their Miniſters, of their Knowledge and Conſent to any ſuch Villainy; as I may juſtly ſay, that in that Point I better know all Chriſtian Kings by my ſelf, that no King nor Prince of Honour will ever abate himſelf ſo much, as to think a good Thought of ſo baſe and diſhonourable a Treachery: Wiſhing you therefore, that as God hath given me an happy Peace and Amity, with all other Chriſtian Princes my Neighbours; (as was even now very gravely told you by my Lord Chancellor) that ſo you will reverently judge and ſpeak of them in this Caſe. And for my Part I would wiſh with thoſe ancient Philoſophers, that there were a Cryſtal Window in my Breaſt, wherein all my People might ſee the ſecreteſt Thoughts of my Heart; for

'for then might you all see no Alteration in my Mind for this Accident, further than in those two Points. The First, Caution and Wariness in Government, to discover and search out the Mysteries of this Wickedness as far as may be: The other, after due Trial, Severity of Punishment upon those that may be found guilty of so detestable and unheard-of Villany. And now in this Matter, if I have troubled your Ears with an abrupt Speech, undigested in any good Method or Order; you have to consider that an abrupt, and unadvised Speech doth best become the Relation of so abrupt and unorderly an Accident. An. 3 James I. 1605.

'And although I have ordained Proroguing of this Parliament until after *Christmas*, upon two necessary Respects: Whereof the first is, That neither I nor my Council can have Leisure, at this Time, both to take Order, for the Apprehension and Trial of these Conspirators, and also to wait upon the daily Affairs of the Parliament, as the Council must do: And the other Reason is, the Necessity, at this Time, of divers of your Presences in your Shires that have Charges or Commandments there. For as these Wretches thought to have blown up in a Manner the whole World of this Island; every Man being now come up here, either for publick Causes of Parliament, or else for their own private Causes in Law, or otherwise: So these Rebels that now wander through the Country, could never have gotten so fit a Time of Safety in their Passage, or whatsoever unlawful Actions, as now when the Country by the aforesaid Occasion is in a Manner left desolate, and waste unto them. Besides that, It may be that I shall desire you at your next Session, to take upon you the Judgment of this Crime: For as so extraordinary a Fact deserves extraordinary Judgment; so can there not I think (following even their own Rule) be a fitter Judgment for them, than they should be measured

An. 3 James I. 1605.

with the same Measure wherewith they thought to measure us; and that the same Place and Persons, whom they thought to destroy, should be the just Avengers of their so unnatural a Parricide: Yet not knowing that I will have Occasion to meet with you, myself, in this Place, at the Beginning of the next Session of this Parliament; (because if it had not been for delivering of the Articles agreed upon by the Commissioners of the Union, which was thought most convenient to be done in my Presence, where both Head and Members of the Parliament were met together, my Presence had not otherwise been requisite here at this Time) I have therefore thought good for Conclusion of this Meeting, to discourse to you somewhat anent the true Nature and Definition of a Parliament; which I will remit to your Memories, till your next Sitting down, that you may then make use of it as Occasion shall be ministred.'

'For albeit, it be true, that at the first Session of my first Parliament, which was not long after mine Entry into this Kingdom; it could not become me to inform you of any Thing belonging to Law or State here; (for all Knowledge must either be infused or acquired, and seeing the former Sort thereof is now, with Prophesie, ceased in the World; it could not be possible for me, at my first Entry here, before Experience had taught it me, to be able to understand the particular Mysteries of this State) yet now that I have reigned almost three Years amongst you, and have been careful to observe those Things that belong to the Office of a King; albeit, that Time be but a short Time for Experience in others; yet in a King may it be thought a reasonable long Time, especially in me, who, although I be but in a Manner a new King here, yet have been long acquainted with the Office of a King in such another Kingdom, as doth nearest of all others agree with

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'the Laws and Customs of this State. Remitting to your Consideration, to judge of that 'which hath been concluded by the Commissioners 'of the Union, wherein I am at this Time to 'signify unto you, That as I can bear Witness to 'the aforesaid Commissioners, that they have not 'agreed nor concluded therein any Thing, where-'in they have not foreseen as well the Weal and 'Commodity of the one Country, as of the other; 'so can they all bear me Record, that I was so 'far from pressing them to agree to any Thing, 'which might bring with it any Prejudice to this 'People; as by the Contrary I did ever ad-'monish them, never to conclude upon any such 'Union, as might carry Hurt or Grudge with 'it to either of the said Nations: For the Leav-'ing of any such Thing, could not but be the 'greatest Hindrance that might be to such an 'Action, which God by the Laws of Nature had 'provided to be in his own Time, and hath now 'in Effect perfected in my Person; to which Pur-'pose my Lord Chancellor hath better spoken, 'than I am able to relate. An. 3 James I. 1605.

'And as to the Nature of this High Court of 'Parliament, it is nothing else but the King's 'great Council; which the King doth assemble 'either upon occasion of interpreting, or abrogat-'ing old Laws, or making of new, according as 'ill Manners shall deserve, or for the publick 'Punishment of notorious Evil-doers, or the Praise 'and Reward of the Virtuous and Well-deservers; 'wherein these four Things are to be considered.

'First, whereof this Court is composed.

'Secondly, what Matters are proper for it.

'Thirdly, to what End it is ordained.

'And Fourthly, what are the Means and 'Ways whereby this End should be brought to 'pass.

'As for the Thing itself, it is composed of a 'Head and a Body: The Head is the King, the 'Body are the Members of the Parliament. This 'Body again is subdivided into two Parts; the

'Upper

An. 3 James I. 1604. ‘ Upper and Lower House: The Upper compounded partly of Nobility, Temporal Men, ‘ who are heretable Counsellors to the High Court ‘ of Parliament, by the Honour of their Creation ‘ and Lands: And partly of Bishops, Spiritual ‘ Men, who are likewise by the Virtue of their ‘ Place and Dignity Counsellors, Life-Renters, or ‘ *Ad Vitam* of this Court. The other House is ‘ composed of Knights of the Shire; and Gentry, ‘ and Burgesses for the Towns. But because the ‘ Number would be infinite for all the Gentlemen ‘ and Burgesses to be present at every Parliament, ‘ therefore a certain Number is selected and chosen ‘ out of that great Body, serving only for that ‘ Parliament, where their Persons are the Repre- ‘ sentation of that Body.

‘ Now the Matters whereof they are to treat ‘ ought therefore to be general, and rather of such ‘ Matters as cannot well be performed without the ‘ assembling of that general Body; and no more of ‘ these Generals neither, than Necessity shall re- ‘ quire: For as *In corruptissima Republica sunt ‘ plurimæ Leges:* So doth the Life and Strength ‘ of the Law consist not in heaping up infinite and ‘ confused Numbers of Laws, but in the right ‘ Interpretation and good Execution of good and ‘ wholesome Laws. If this be so then, neither is ‘ this a Place on the one Side, for every rash and ‘ harebrained Fellow to propone new Laws of his ‘ own Invention: Nay, rather could I wish these ‘ busy Heads to remember that Law of the *Lace- ‘ demonians*, That whosoever came to propone a ‘ new Law to the People, behoved publickly to ‘ present himself with a Rope about his Neck, ‘ that, in case the Law were not allowed, he ‘ should be hanged therewith. So wary should ‘ Men be of proponing Novelties, but most of all ‘ not to propone any bitter or seditious Laws, ‘ which can produce nothing but Grudges and ‘ Discontentment between the Prince and his ‘ People: Nor yet is it on the other Side, a con- ‘ venient Place for private Men under the Colour

‘ of

'of general Laws, to propone nothing but their own particular Gain, either to the Hurt of their private Neighbours, or to the Hurt of the whole State in general; which many Times, under fair and pleasing Titles, are smoothly passed over, and so by Stealth procured, without Consideration that the private Meaning of them tendeth to nothing but either to the Wreck of a particular Party, or else under Colour of publick Benefit to pill the poor People, and serve as it were for a general Impost upon them for filling the Purses of some private Persons. An. 3 James I. 1605.

'And so the End for which the Parliament is ordained, being only for the Advancement of God's Glory, and the Establishment and Wealth of the King and his People: It is no Place then for particular Men to utter there their private Conceits, nor for Satisfaction of their Curiosities, and least of all to make Shew of their Eloquence by tyning the Time with long studied and eloquent Orations. No, the Reverence of God, their King, and their Country being well settled in their Hearts, will make them ashamed of such Toys; and remember that they are there as sworn Counsellors to their King, to give their best Advice for the Furtherance of his Service, and the flourishing Weal of his Estate.

'And lastly, if you will rightly consider the Means and Ways how to bring all your Labours to a good End; you must remember, that you are here assembled by your lawful King to give him your best Advices, in the Matters proposed by him unto you, being of that Nature, which I have already told, wherein you are gravely to deliberate, and, upon your Consciences, plainly to determine how far those Things propounded do agree with the Weal, both of your King and of your Country, whose Weals cannot be separated. And as for myself, the World shall ever bear me Witness, that I never shall propone any Thing unto you, which shall not as well tend

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An. 3 James I. 1605. ‘ to the Weal Publick, as to any Benefit for me: ‘ So ſhall I ever oppone myſelf to that, which may ‘ not tend to the Good of the Common-Wealth, ‘ for the which I am ordained, as I have often ‘ ſaid. And as you are to give your Advice in ‘ ſuch Things as ſhall by your King be propoſed: ‘ So is it on your Part your Duties to propone any ‘ Thing that you can, after mature Deliberation, ‘ judge to be needful, either for thoſe Ends already ‘ ſpoken of, or otherwiſe for the Diſcovery of any ‘ latent Evil in the Kingdom, which peradventure may not have come to the King's Ear. ‘ If this then ought to be your grave Manner of ‘ proceeding in this Place, Men ſhould be aſhamed ‘ to make Shew of the Quickneſs of their Wits ‘ here, either in taunting, ſcoffing, or detracting ‘ the Prince or State in any Point, or yet in breaking Jeſts upon their Fellows, for which the Ordinaries or Alehouſes are fitter Places, than this ‘ Honourable and High Court of Parliament.

‘ In Concluſion then, ſince you are to break ‘ up, for the Reaſons I have already told you, I ‘ wiſh ſuch of you as have any Charges in your ‘ Countries, to haſten you Home for the Repreſſing of the Inſolencies of theſe Rebels, and Apprehenſion of their Perſons; wherein as I heartily ‘ pray to the Almighty for your proſperous Succeſs, ſo do I not doubt, but we ſhall ſhortly ‘ hear the good News of the ſame; and that you ‘ ſhall have an happy Return, and Meeting here ‘ to all our Comforts.’

Here the Lord Chancellor ſpake touching the proroguing of the Parliament. And having done, his Majeſty roſe again, and ſaid,

‘ Since it pleaſed God to grant me two ſuch ‘ notable Deliveries upon one Day of the Week, ‘ which was *Tueſday*, and likewiſe one Day of ‘ the Month, which was the Fifth; thereby to ‘ teach me, That as it was the ſame Devil that ‘ ſtill perſecuted me; ſo it was the ſame God ‘ that ſtill mightily delivered me: I thought it

'therefore not amiss, that the one and twentieth Day of *January*, which falls to be upon *Tuesday*, 'should be the Day of Meeting of this next Session of Parliament, hoping and assuring myself, 'that the same God, who hath now granted me 'and you all so gracious and notable a Delivery, 'shall prosper all our Affairs at that next Session, 'and bring them to an happy Conclusion. And 'now I consider God hath well provided it that 'the Ending of this Parliament hath been so long 'continued; For as for my own Part, I never 'had any other Intention, but only to seek so far 'my Weal and Prosperity, as might conjunctly 'stand with the flourishing State of the whole 'Common-Wealth, as I have often told you: 'So on the other Part I confess, if I had been in 'your Places at the Beginning of this Parliament, '(which was so soon after mine Entry into this 'Kingdom, wherein ye could not possibly have 'so perfect a Knowledge of mine Inclination, as 'Experience since hath taught you) I could not 'but have suspected, and mis-interpreted divers 'Things; in the trying whereof, now I hope, 'by your Experience of my Behaviour and Form 'of Government, you are well enough cleared, 'and resolved.' An. 3 James I. 1625.

It seems as if the Parliament met, at this Time, only to have the foregoing Declarations made to them, by the King and the Lord Chancellor; for they were instantly prorogued to the 2d of *January*, following; and from thence to the 21st of the same Month. The Parliament prorogued.

On which last mentioned Day, the Lords being met, a Motion was made by the Archbishop of *Canterbury* (*s*), 'That a Committee might be appointed to consider the Laws already in Force, that tend to the Preservation of Religion, his Majesty, the State and Common-Wealth. What Defects are in the Execution of them, or what new Laws may be thought needful.' This Motion being seconded They meet again, and consider of the Laws against Recusants.

(*i*) *Richard Bancroft. Le Neve's Fasti Ecc. Ang.*

An. 3 James I. 1605. conded by the Biſhop of *London* (*t*), followed by *Cecil* Earl of *Saliſbury*, a Committee was immediately appointed for that Purpoſe.

The Lord Chancellor gave Direction to the Clerk of Parliament, to take ſpecial Notice of the Names of ſuch Lords as ſhould fail in their Appearance this Seſſion of Parliament; having no Licenſe from his Majeſty for their Abſence. This was done, no doubt, becauſe ſome of the Peers were then ſuſpected to be concerned in the late Plot; and ſome were taken up for it afterwards, as will appear in the Sequel.——A Bill was alſo read a firſt Time, *For preſerving and reſtoring to the Crown the true and ancient Royalties appertaining to the ſame.*———In the *Commons*, we find, that the Buſineſs of the *Popiſh* Plot was the firſt thing, alſo, that they went upon. *Jan.* 21ſt, Sir *George Moore* made a Motion, out of a deep Senſe of the late Conſpiracy; the like whereof, he ſaid, never came upon the Stage of the World.------Other broken Hints of this Speech are thus entered.---- No Hour too ſoon for ſuch a Motion.-----Encouragement to *Papiſts*, Impunity and Delay.------ *Homines qui ex Fraude, Fallacia, Mendaciis, conſiſtere videbantur.*------*Tantumne Religio potuit ſuadere Malorum?*------To enter into Conſideration, what Courſe may be fitteſt to ſettle the Safety of the King, and prevent the Danger of *Papiſtical* Practices.----

This Speech was ſeconded by Sir *Francis Haſtings*; he ſpoke of three Duties:-----To God, and the King, to God and ourſelves.-----Offered four others to Conſideration:------The Plot, the Carriage of the Plot, the Diſcovery, and the Deliverance.----Plot, popiſh, dangerous, and deſperate.

Afterwards, the Sollicitor General ſaid, That a Word, in Time, was like Apples of Gold furniſhed with Pictures of Silver.-----That theſe State-Monks had got a new Divinity.----It was lawful for them to lie, to diſſemble before a Magiſtrate, to kill an Heretick.---

The

(*t*) *Richard Vaughan.* *Le Neve's Faſti Eccl. Ang.*

The Result of all was, 'That a large Committee was appointed to consider of some Course, for the timely and severe Proceedings against *Jesuits*, *Seminaries*, and all other *popish* Agents and Practisers; and for the preventing and suppressing all their Plots and Practices.' An. 3 James I. 1605.

To go through each Days Proceedings in both *Journals*, would be too tedious.---We shall only cull out of them the most remarkable Instances, and which are historical enough for our Purpose. The *Popish* Plot was the thing most at Heart; and this Parliament laboured to fix some indelible Mark of their Resentment on such an infamous Intention. Several Conspirators had now been taken, some others were killed in endeavouring to make their Escape; and we are told by the Writer of this Reign, (though it is not mentioned in the *Journals*) that the Earl of *Northumberland*, *Henry* Lord *Mordaunt*, and *Edward* Lord *Stourton*, three *Popish* Lords, being suspected to have Knowledge of this Conspiracy, were all committed to the *Tower*. One great Cause of the Suspicion, was, their not coming to Parliament according to Summons; but, nothing more being proved against them, after some Imprisonment, the two Barons were redeemed, by Fine in the *Star-Chamber*; but the Earl continued a Prisoner there for many Years after (*u*).

Several Peers apprehended on Account of the Plot.

These were all the Noblemen that were suspected; as for the inferior Sort, they were tried and condemned at Common Law: But before their Execution was awarded, the Parliament thinking the ordinary Punishment too light for the Offence, the Lords appointed a Committee to consider what Punishments extraordinary were fit to be ordained for these Offenders. They had made some Progress in this Matter, when the Archbishop of *Canterbury*, the first of the said Committee, though it was an Affair of Blood, reported to the House, 'That having asked the Opinion of the Lord Chief Justice of *England* in that Matter; and being

Debate on the Manner of punishing the Plotters.

(*u*) *Wilson* in *Kennet*, p. 676.

An. 3 James I. 1605. being informed by him that the Execution of the ſaid Traitors might not conveniently be deferred, the Committee had forborn any further Proceeding therein.'

The Houſe of Commons were no leſs anxious: For on the 25th of *January*, Sir *Thomas Holcroft* put the Houſe in Mind, That *Richard* II. built a wooden Houſe, and there the King and Parliament ſat when Offenders were judged. This tended to have the Miners, in the late Plot, tried in the ſame Manner; which, he ſaid, was not without Precedent; and therefore deſired that the King might be petitioned about it.----Sir *Robert Wingfield* moved for a Form of Puniſhment equal to the Greatneſs of the Fact. He ſaid, the Scripture had Examples of extraordinary Puniſhments for extraordinary Offences. And moved, That a ſhort Act might be made for the Puniſhment of the Miners; and ſome extraordinary Puniſhment ſet down in it. But no Petition to the King about it, for he was ſo compounded of Mercy and Pity, that he will deny it.------Sir *Robert Higham* argued againſt theſe Motions, and ſaid, That the Common Law ſhould have its Proceeding firſt, and then this Court might add a Confirmation of it.-----Mr. *Fuller*, on the ſame Side, moved, That all the Houſe might be preſent and hear the Arraignment; and that, afterwards, a Law might be made for the Puniſhment, the Judgment being reſpited.---The Speaker ſaid, That thoſe who were already dead were to be attainted by the Houſe, and Evidence againſt them given at the Bar; for the reſt a Confirmation of the Attainders was ſufficient.-----Mr. *Wiſeman* moved, That the Houſe might be preſent at the Trials and Places provided for them; and that Judgment ſhould be reſpited; afterwards, they might think of a Judgment in the Houſe, their Conſciences being informed by the Hearing.------ Mr. Sollicitor was againſt petitioning for Stay of Judgment; and obſerved, That there was no Precedent when one Commiſſion and Court had heard Allegations, that another ſhould interpoſe themſelves

selves to stop Judgment.-----Lastly, Sir *Robert Litton* told the House, That the Interest the Parliament had in this Affair, made them no competent Judges of it.-----Upon the whole, the Question was put, Whether to petition the King that Judgment might be stayed after Trial? It was resolved in the Negative. An. 3 James I. 1605.

However, to do something in the Matter, the Commons framed, read, and passed a Bill, and sent it up to the House of Lords, on the 25th of *January*, intituled, *An Act for appointing a Thanksgiving to Almighty God, every Year, on the 5th of* November. The Messengers which brought this Bill up to the Lords told them, 'That the whole Body 'of the Commons, having entered into Consider- 'ration of the great Blessing of God, in the hap- 'py Preservation of his Majesty and the State, 'from the late most dangerous Treason, intended 'to have been attempted, by the Instigation of '*Jesuits*, *Seminaries*, and *Romish* Priests; had fram- 'ed and passed the said Bill, in their House, as 'the First-Fruits of their Labours, in this Session 'of Parliament; which they did, very earnestly, 'recommend to their Lordships.' The Lords returned the Compliment, by reading and passing the Bill in three Days, without ever going into a Committee about it. And this Act stands the first in the printed Statutes of this Session of Parliament. Act for an annual Thanksgiving on the 5th of November.

Both Houses passed another Bill for the *Attainder of the Offenders in the late Treason*, whose Names are too inconsiderable for this History, and may be seen in the Act itself: The Lords next proceeded to consider the Motion made by the Archbishop of *Canterbury*, on the first Day of this Session, concerning the Laws already in Force against *Papists*, &c. And accordingly, we find that *February* 1st, he made a Report to the House of what had been done in that Committee; and then presented a short Note, containing the Heads of the said Laws now in Being. For attainting the Plotters.

The next Day, the Lords being informed that the Commons were upon a Bill to the same Pur-

An. 3 James I. 1605.

pose, and that they were ready to bring it up to their House; they sent a Message to them, to desire a Conference. This Proposal was accepted of; and several Meetings of the Committees of both Houses were had about it; the Result of all was, the passing two new Acts, one intituled, *An Act for discovering and repressing of* Popish *Recusants*; and the other called, *An Act to prevent and avoid Dangers which may grow by* Popish *Recusants*. These Statutes, which are yet in Force, are so well known, that they need no farther Explanation (*x*).

And another against Popish Recusants.

We have some Notice given us in the *Journals* of the Upper House, of a Supply to be granted this Session; by a Message sent from the Commons to the Lords, on the 12th of *February*; importing, 'That they had received Signification, with much Joy, by their Speaker, of his Majesty's gracious Acceptation of their humble Offer, in Matter of *Subsidies*; and withal, that his Majesty is well pleased that Consideration may be had of the Grievances arising by *Purveyance*. They therefore proposed a Conference, by Committees of both Houses, to consider of these two weighty Articles.'

A Bill from the Commons, relating to Purveyance.

This Request was assented to by the Lords, and a Time appointed for the Conference: But, we hear no more of the *Supply* till near the End of this Session. The other Business concerning the King's *Purveyors*, was an ancient Branch of the Royal Prerogative; and therefore was to be tenderly dealt with: Many Conferences were held about it, between the two Houses; at last a Bill was passed by the Commons, and sent up, intituled, *An Act for the better Execution of sundry Statutes touching Purveyors and Cart-Takers*. On the second Reading of which by the Lords, it was committed; but, on a Motion of the Lord Treasurer, it was agreed, by that House, 'That the Judges and the King's learned Counsel, who were ordered to attend the Committee, should consider before-hand of the said Bill of Purveyors, for the better Information of their Lordships at the Meeting of the Committee.'

(*x*) *Statutes at large, An.* 3 *Jac.* I. *Cap.* IV, V.

mittee.' *April* the 10th, the Archbiſhop of *Canterbury* reported from thence, that the Attorney-General had made it appear to the Committee, that the Bill was very defective and inconvenient; whereupon it was agreed to proceed no farther therein. An. 3 James I. 1605.

But, we find that the Commons were not willing to let the Matter drop ſo eaſily; for, before this Seſſion was ended, they had prepared a new Bill to the ſame Purpoſe as the former, which paſſed their Houſe and was ſent up to the Lords. Upon this, a long Debate enſued, and the Queſtion being put, Whether the ſaid ſecond Bill might, by Order of the Houſe, be admitted, the former having been rejected? it was carried in the Negative; and a *Memorandum* was entered by Order of the Lords, as a general Direction, for the future. Which, being dropped by the Lords, they ſend up another to the ſame Purport.

The Buſineſs of a Supply was moved for in the Houſe of Commons *February* 10th, by Sir *Thomas Ridgeway*; the broken Hints of whoſe Speech, in their *Journals*, may be thus connected. 'He much exaggerated the Bleſſings they enjoyed under the preſent Government; and yet the King had been at great Charge to ſuſtain it. For though, ſays he, we have *Pacem externam & internam*; yet, the Funeral of the late Queen, the Entrance of his preſent Majeſty into this Kingdom, with that of the Queen and Prince, all at different Times; the Entertainment of foreign Embaſſadors; the Maſs of Treaſure which had been exhauſted in *Ireland*; her Majeſty's Lying-in; the great Charge of the Houſhold; with the Largeſſes, or Rewards, which had been beſtowed on particular Perſons, of both Nations, had much impoveriſhed the King's Treaſury (*y*). The Common-Wealth was obliged to lighten this Burden; as *Moſes* ſaid, *How can he alone bear their Strifes and* Proceedings of the Supply.

(*y*) The different Sums of theſe Expences are thus given us, in the *Commons Journals*, *viz.*

The late Queen's Debts,	400,000 *l.*
The King, Queen, and Prince's Entrance,	10,000 *l.*
The late Queen's Funeral.	20,000 *l.*
Coronation of the King and Queen.	20,000 *l.*
Gifts to Embaſſadors, *&c.*	40,000 *l.*
Expences in *Ireland* for four Years, *per Annum.*	350,000 *l.*

An. 3 James I. 1605. *Incumbrances, &c.* Lastly, he added, That whatever the Offer was from his Subjects, the King would say *sufficit* to it; and therefore moved that a Committee might be immediately appointed to draw up a Bill for a Supply.'

This Motion was seconded by Sir *Maurice Berkley*; and, afterwards by Sir *Edward Montague*, who begun with urging two Duties: Fear God and honour the King. That we owe him Love, Reverence, Obedience, and Thankfulness for his Truth and Justice. That the Freedom of the Gift ought to be equal to the Greatness of the Givers; and that it should be speedy and chearful. Lastly, his Motion was for two *Subsidies* and four *Fifteenths*; two of which were to be paid at *Easter*, and a *Subsidy* at *Michaelmas*.-----Mr. *Bond* began with enumerating the many Benefits they reaped by his Majesty's Reign. That of a weak, feeble and breathless State, it was become the most opulent, rich and mighty Empire of any in *Christendom*. That we owed *Animam Deo*, *Corpus Regi*, who was *non Subsidium tantum*, *sed Præsidium*, in Time of Peace. That they ought to fill the King's Coffers first, and make him *Fidus Depositorius*.------Sir *William Strowd*, Sir *Henry Poole*, and Sir *Nathanael Bacon*, spoke for a Supply; the last urged that some Consideration ought to be had in the *Fifteenths*; fewer of these and more *Subsidies* granted, because *Subsidies* were less in Value than formerly.----Sir *Francis Hastings* said, That they ought to offer Love for Love. Therefore he was for two *Subsidies* and four *Fifteenths*. *Amor Civium Regi inexpugnabile Munimentum*. That Peace was not hereditary; and we ought to provide before-hand. The Strength of the King's Hands was the Hearts of his People. *Ad omnem Eventum*, to give; and that *Qui cito dat*, *bis dat*.

There are more short Hints of Arguments used for granting a Supply, by several other Members; in which there were only two, Sir *George Moore*, and Sir *Edwin Sandys*, that were for moderating the first Proposal. The former said, That *citra*

et

et ultra; there were Bounds in all Things: *Malus Miles qui Imperatorem suum gemens sequitur.* The other, urged this Adage; *Largire de te, Fili*; give of your own, Son; the Poverty of the Land ought to be considered, and as much eased as may be.--- Upon the whole a grand Committee was resolved on, and appointed to consider of a Bill for a Supply, and whether it should be for two *Subsidies* and four *Fifteenths*, or not. An. 3 James I. 1605.

The next Day, *February* 11th, the Speaker informed the House, 'That he had been sent for to 'the King, who told him that he had been made 'acquainted with the Proceeding of the House in 'regard to the Supply; and takes more Joy in the 'Manner, than if the Value of ten Times as 'much had fallen unto him by any other Acci-'dent. That the King had three Causes for his 'Acceptance of it. 1. Because it is done out of 'Love, and without Demand. 2. For the Con-'currence in Speech, and Votes amongst them; '*in eodem Sensu*; alike Thanks for both. A Dis-'may to the Opposites. 3. For, that it was 'done in a more speedy Manner than ever hereto-'fore. That he would charge and change the 'Property of his own Estate; and would expose 'his Person to Danger for their Good. That no 'Man was more sensible of it, either in that House 'or in the Common-Wealth; and, lastly, desired 'that a Committee might be named to make De-'mands and Propositions.' But more of this in the Sequel.

Some Ecclesiastical Affairs happened in this Session worth our Notice. *April* the First, the Archbishop of *Canterbury* acquainted the Lords, 'That his Majesty had given him Direction to let them understand he was informed of great Abuses concerning Excommunication, granted by Ecclesiastical Officers, very often upon trivial Matters. And tho' Contempts generally, of great or less Quality, be punishable by the Laws of the Realm, according to their several Natures; yet, considering Excommunication is the greatest Censure that can be

The King's Message relating to Abuses in Excommunication.

An. 3 James I. 1605.

given, his Majesty holds the same unfit to be used but in great Matters. Therefore, altho' his Majesty doth desire that the said Jurisdiction Ecclesiastical may be maintained and upholden, in all Respects, as is fit; yet, to remedy this Inconvenience, it was his Majesty's Desire that a Bill might be framed for that Purpose.' The House immediately ordered that some of the Judges, and learned Civilians, should attend the Archbishop, to consider of a Project for drawing a Bill concerning the said Matter of Excommunication.

It is not unlikely but the Archbishop was informed, that the House of Commons, who were always ready to clip the Wings of the Church, were, at the same Time, upon the like Project; and therefore was not willing that the Honour of this Reformation should rest upon that House. For we find, that *April* the 5th, a Message was sent by that Body, to the Lords, to desire a Conference with them touching Matters Ecclesiastical. The Answer was, 'That altho' the Lords were willing to grant their Request, yet, for that their Proposition was very general, they desired to know the Particulars of it, that they might be the better prepared for the Conference.' On which the Commons returned Answer, 'That the Causes whereon they desired Conference were four, *viz.*

The Commons propose a farther Reformation in Ecclesiastical Matters.

1. The Silencing of Ministers.
2. The Multiplicity of Ecclesiastical Commissions.
3. The Manner of Citations. And
4. The Point of Excommunication.'

Hereupon, a great Debate arising, whether they should agree to such a Conference, or not? the farther Resolution therein was deferred till the next Day.

The old Topic of *Prerogative Royal*, which this King was as zealous to maintain as any of his Predecessors, was surely the Reason why this Business moved so slowly in the House of Lords. The Commons, who were ever jealous of the Ecclesiastics, therefore pressed this Conference strongly. At last,

laſt, on the 8th of *April*, an Anſwer was ſent to the Commons, importing, 'That the Lords, having deliberately conſidered of the Commons Meſſage about a Conference on the four Eccleſiaſtical Points they ſent them, had agreed to the ſame and appointed a Committee accordingly.' Anſwer was immediately returned from the Lower Houſe, 'That they gave moſt hearty Thanks to their Lordſhips, for having, with ſuch Alacrity, ſignified their Conſent for this Conference; and that they would moſt readily join with them, and impart the Grievances occurring in theſe Eccleſiaſtical Matters. But that they cannot give a Meeting, either of this Day or the next; becauſe they had appointed other ſpecial Buſineſs on thoſe Days, for his Majeſty's Service, which was to go upon the Bill of *Subſidy*, and a Call of their Houſe. Whereupon the 14th of *April* was appointed for that Purpoſe.' An. 3 James I. 1605.

The ſame Day that the former Reſolution was taken, the Lord Chancellor delivered a Meſſage from the King to this Effect; 'That his Majeſty 'having received Knowledge of the diſcreet and 'reſpectful Proceedings of their Lordſhips, con-'cerning the Conference required by the other 'Houſe, touching Matters *Eccleſiaſtical*, had com-'manded him to ſignify to them his moſt gracious 'Acceptance of the ſame. With Thanks and 'Acknowledgment of his Love and good Will, 'to all the Lords in general, for their Regard to 'his *Prerogative*: And therein, as well thoſe 'who were willing to yield to the Conference, as 'thoſe that were againſt it. For that his Majeſty 'did obſerve on either Part, Arguments of equal 'Love and Duty towards him, for the Preſerva-'tion of the ſaid *Prerogative*; of which he would 'ever retain a grateful Remembrance.'

The Buſineſs of the Conference between both Houſes was now proceeded in. Accordingly, on the 17th of *April*, the Archbiſhop acquainted the Houſe that ſeveral Biſhops had been choſen to manage that Conference; of whom, 1. Touching the Silencing of Miniſters, was to be ſpoken to by

An. 3 James I. 1605. himself. 2. Concerning the Multiplicity of Commissions, by the Bishops of *Winchester* (z) and *Exeter* (a). 3. Touching Citations, by the Bishops of *Bath* and *Wells* (b), *Carlisle* (c), and *Ely* (d). 4. And Excommunication, by the Bishops of St. *David's* (e), and *Hereford* (f). Liberty was also reserved to the Archbishop to speak to any Points as he thought fit, as well as to that allotted to him. Whereupon, the House came to a Resolution that some Answer should be made to the Commons as that Day, but it was not intended or expected that they should be informed whether the Lords would join or not join in a Petition with the Lower House; but only that the Bishops should speak to the four Points, and leave the other, of Petition, to be determined by the whole House, with Reserve still of Reply to any of the Points aforesaid.

This cautious Proceeding of the Lords shews plainly how unwilling they were to touch upon the *Royal Prerogative*, in *Ecclesiastical* Matters; which the late Queen always guarded with her utmost Care and Circumspection. We are left in the Dark as to what was done or said at these Conferences, which were several; only, that the Bishops who were Managers, made their Report to the House, that they had debated the four Points; and the whole Result was, that a Bill was brought in and passed into a Law, touching a Restraint of Excommunications in Ecclesiastical Courts.----This had been proposed by the Archbishop of *Canterbury* to the Lords, at the King's Desire, as before taken Notice of: But as to the other three Points of Reformation, on which the Commons had desired a Conference, Nothing was done about them.

Tho' the Matter of *Subsidies* hath been once or twice mentioned already, in the Proceedings of this Session, it was not till the 15th of *May*, that a Bill

(z) *Thomas Bilson.*
(a) *William Cotton.*
(b) *John Still.*
(c) *Henry Robinson.*
(d) *Martin Heton.*
(e) *Anthony Rudd.*
(f) *Robert Bennet.*

Le Neve.

Bill was sent up from the Commons for a Grant of three entire *Subsidies* and six *Fifteenths* from the Temporalty; at the same Time was returned as passed, another Bill for a Confirmation of four *Subsidies* of four Shillings in the Pound from the Clergy. The former Bill passed the Lords in two Days; but moved very heavily through the Commons; partly owing to the Disappointment they had met with from the Lords in the Matter of Conference; and partly, as may be supposed, on Account of the Weight of the Grant. The Reader may call to Mind, the first Proposal was only for two *Subsidies* and four *Fifteenths*; but, on the 25th of *March*, the Speaker (after delivering a Message from the King to the House, how kindly he took that Offer, looking upon it as a great Argument of their Love to him) made a Motion, Whether any more should be given? And it was resolved in the Affirmative. The Speaker told the House, 'That his Majesty bid them call to Mind, that in the late Queen's Time many great Aids were given; and that she was never driven to break her Word but once. That he had lately several Loans freely made him, for which he stands engaged; and therefore desired that the Money might be paid in such Time that his Promise may be kept.' An. 3 James I. 1605.

On this, a long Debate ensued in the House. The Courtiers argued that the King's Debts were to the Value of 500,000*l.* a pressing Debt; and that the whole Sum of their former Gift amounted to no more than 400,000*l.* That the first Payments of the Subsidies ought to be quick, in order to answer the Necessities of the State. *Necessarium Beneficium, lente datum, simile est Pani Lapidoso.* Not to lose the Thanks of their Gift by the Difference of a few Months in the Payment. That three or four hundred Horse cost maintaining as much as three or four Subsidies come to; reckoning each Horse 30*l.* and each Horseman 40*s.* With more to the same Purpose. Debate on the Subsidy.

The Arguments used against granting so much were but few; one said, [illegible] an Ex-

An. 3 James I. 1605. ample of two *Subſidies* in Time of Peace. To which it was anſwered, That theſe were *Subſidies* of War, for the late Queen's Debts were for War; therefore what was granted now was for War. Upon the whole, the Houſe divided on the Times of Payment, and it was carried by 121 againſt 113, for the firſt three Payments to be made in two Years.

April the 12th, a Bill for granting of three entire *Subſidies* and ſix *Fifteenths*, was read a firſt Time by the Commons. It laid a good while after this; and, in the mean Time, all Manner of *Grievances* was diligently ſought for to be firſt redreſſed; inſomuch that the King ſaid, *They had ſent an* Oyes *thro' the Nation to find them.* On the third Reading, *May* 9th, a Debate aroſe, begun by Sir *Anthony Cope*, Whether the Liſt of *Grievances* ought not to be firſt read? And a Capitulation with the King about them. A ſpecial Order was alſo entered, That the *Subſidy*-Bill ſhould not go up till the *Grievances* were ready to be preſented to the King. Much Diſpute, ſay the *Journals*, was, whether a Queſtion ſhould be made for the Reading of the Subſidy-Bill; but thought to be without Precedent and a very tender Queſtion; therefore forborn; and, the Houſe being at laſt ſatisfied in reſpect to the prior Order, the Bill was read a third Time and paſſed. On the 15th, it was ſent up to the Lords by Mr. Secretary *Herbert*, attended by every Member of the Houſe, not one Man left but the Speaker, Clerk, and Serjeant.-----A Thing, adds the *Journal*, never ſeen before. The Bill was quickly diſpatched in the Houſe of Lords, being paſſed there, as is before mentioned, in two Days.

The Union reſumed.

The Buſineſs of the *Union* betwixt the two Kingdoms was again reſumed in this Seſſion of Parliament. The Houſe of Lords, by their Committee, had ſeveral Conferences with the other Houſe about it. It was firſt of all debated whether it ſhould be deferred till next Seſſion; ſo little Stomach had an *Engliſh* Parliament to this Affair. At laſt, a Bill was framed and brought in, intituled,

An

An Act declaratory, explaining a Branch of an Act made in the first Session of this Parliament, called, *An Act for certain Commissioners of the Realm of* England, *to treat with the Commissioners of* Scotland, *for the Weal of both Kingdoms*; which passed both Houses, but to as little Purpose as the former. An. 2 JamesI. 1605.

This Session of Parliament lasted to the 27th Day of *May*, and a Multiplicity of Business was done in it. There were above one hundred Bills brought into both Houses; as appears by a Catalogue of them, in the Lords *Journals*, at the End of this Session. Many of them also passed into Laws, though there are but twenty-seven published in the printed Statutes. The most remarkable Acts we have already spoke of; and, on the Day abovementioned, the King came to the House of Lords, in the Afternoon, when the Speaker of the Commons, attended by that whole House, came up to the Bar. And, on presenting the Money-Bills, he made a Speech to the King to this Effect: for there are only these short *Items* of it to be found in the *Journals*. Acts passed.

First, 'He bestowed great Praises and Commendations on his Majesty, with Thanks to God for the Happiness the State enjoyed by giving them so gracious a King. He also returned Thanks to his Majesty for all his gracious Benefits, and particularly, for his last Act for a free and general Pardon. Withall making his humble Request to the King, that he would be pleased to give his Royal Assent to the Acts ready for that Purpose. Also, that he would pardon them, and himself, in any thing they had unwillingly and unwittingly offended.' The King made Answer himself, by some short Compliments on their Proceedings in this Session; and said, He had no Exceptions to any of the Bills but one. And, as a special Mark of Grace and Favour would pass them all, though it was a Matter, in former Times, very unusual to do it (*a*). Only he gave them The Speaker's Speech, and King's Answer, on presenting the Subsidy Bill.

Admo-

(*a*) The late Queen refused the Royal Assent to 48 Bills passed both Houses, in one Session. See Vol. IV. p. 420.

An. 3 James I. 1605. Admonition about one Act, for a Reſtitution in Blood of one *Rowland Merrick*; that they never ſhould proceed in Parliament with any ſuch like Act of Reſtitution, till the ſame was firſt ſigned by the King, and that then it ought to begin in the Higher Houſe; of which his Majeſty deſired them to make a Memorial. After this, the Lord Chancellor, by Command, in another ſhort Speech, prorogued this Parliament to the 18th Day of *November* following (*b*).

The Parliament prorogued.

Thus this Seſſion, which began in the greateſt Terror and Conſternation, ended in perfect Peace and Tranquillity. Though, during the ſitting of it, another Rumour had been ſpread, that the King had been ſtabbed with a poiſoned Knife, as he was hunting near *Windſor*. The *Continuator* of *Stowe's* Chronicle tells us (*c*), 'That when this terrible Rumour was brought to the Houſe of Commons, the Members of it were in the utmoſt Conſternation. The firſt Reports were various; ſome ſaid the King was ſtabbed, others ſmothered in his Bed, or ſhot with a Piſtol as he was riding. At the Hearing of which ſad News, the whole Houſe began ſeriouſly to debate what was beſt to be done. Some were for riſing immediately, for Fear of a Surpriſe upon themſelves; ſome one Way, ſome another; till, at laſt, it was agreed they ſhould ſit ſtill, in their accuſtomed Manner; leſt their ſudden Riſing ſhould add more Terror both to Court, City, and Country: Continually ſending out Meſſengers to the Lords of the Council for News. After two Hours waiting, in this dreadful Situation, poſitive Advice came that the King was in perfect Health and Safety, and that he would be at *Whitehall* in the Afternoon. Thus this Affair blew over, and the Fallacy of it had no other Effect than to haſten the Executions of the Perſons taken

The Powder Ploters executed.

(*b*) In this laſt Seſſion of Parliament, an Act was firſt paſſed for carrying a Stream of freſh Water to the North Parts of the City of *London*, now called the New-River-Water.

(*c*) *Stowe's Chronicle*, p. 882.

taken and condemned for the *Powder-Plot*. For the Diſcovery of which, the King beſtowed on the Lord *Monteagle*, 200 *l. per Annum*, in Fee-Farm-Rents, to him and his Heirs for ever; and 500 *l.* Annuity, for his Life, as a Reward for that good Service (*d*). An. 3 James I. 1605.

The Parliament met again, exactly, on the Day appointed by the laſt Prorogation; nothing material happening to the State in the Interval. This Seſſion was opened by a Speech from the King, which is preſerved in the *Journals* of the *Commons*, being thus introduced:----

'After ſome Speech uſed by the Lord Chancellor, touching the King's Preſence, at that Time, being not uſual:---The Manner of the Loan expected to be repaid:---The Matter of Grievances preſented by the Commons in the preceding Seſſion of Parliament:---His Highneſs began to ſpeak to this Effect:'

The King's Speech at opening the Seſſion, Anno Regni 4, 1606. At Weſtminſter.

'*JOVE Principium:* About this Time twelvemonths were we, that be now here aſſembled, aſſembled alſo in this Place, to give Thanks unto God for the great Deliverance, not of myſelf, but of you all, and of all the Body of the State, from that Treaſon, which was moſt terribly intended againſt us all; for which we are bound for ever to be thankful to God.---

And then proceeded, and ſaid:

'That all Propoſitions, made in Parliament, were made in two Sorts; either by the King to his Subjects, or by the Subjects to the King. That in the laſt Seſſions were Propoſitions of both Sorts; both concerning Matters of Government of the Commonwealth, proceeding from the King, and Matters of Grievance of the Commonwealth, which proceeded from the Subjects: And that himſelf would not be accounted one of thoſe Kings, that would prefer any Propoſitions of his own before the

(*d*) *Wilſon in Kennet*, p. 676. ——— This Lord *Monteagle* was a *Papiſt*.

An. 4 James I. 1606. ‘ the Peoples juſt Complaints; nor one of thoſe, ‘ that would not reform any ancient Grievances, ‘ before he would propoſe any new Conſultations. ‘ For the Grievances themſelves, he ſaid, they were ‘ collected with more Induſtry, than lawful or du- ‘ tiful Diligence; yet the Form, wherein they were ‘ penned, and wherewith they were preſented, was ‘ ſo full of Diſcretion and Moderation, that he was ‘ loth his Anſwer ſhould ſmell of the Spirit of ‘ *Roboam*.’

‘ But for the Matters of Grievance, they were ‘ ſuch, as, if they were unlawful, ought to be re- ‘ formed; or, if they were lawful, and yet unlaw- ‘ fully uſed, and abuſed in Execution, the Abuſe ‘ was to be reformed; or, if they were doubtful in ‘ Law, were fit to be referred to Trial and Judg- ‘ ment: Which Order and Diſtinction he had ob- ‘ ſerved in all his Anſwers and Reſolutions to every ‘ one of the ſeveral Grievances. Whereupon he ‘ obſerved, that it was not convenient for a Parlia- ‘ ment to preſent any, but apparent, publick, and ‘ juſt Cauſes of Grief; though his own Nature and ‘ Mind were ever prepared to relieve any private ‘ Complaint of any private Man, that might appear ‘ to be juſt.’

‘ But there is in Parliament (as there is in all ‘ Multitudes) Diverſities of Spirits, as there was ‘ amongſt the very Apoſtles themſelves; and that ‘ ſome of them were more popular, than profitable, ‘ either for that Council, or for the Commonwealth; ‘ and that there were ſome Tribunes of the People, ‘ whoſe Mouths could not be ſtopped, either from ‘ the Matters of the Puritans, or of the Purvey- ‘ ance. But for himſelf, he would never make a ‘ Separation of the Peoples Will, and the Will of ‘ the King; and as for them, that would make any ‘ Sciſſure or Rupture, either of the Church, or of ‘ the Commonwealth, and therein were ſuch Schiſ- ‘ maticks, he ever eſteemed Schiſmaticks and Here- ‘ ticks ſubject to the ſame Curſe.’

‘ But for his Part, he wondered, how the Griev- ‘ ance of the Purveyance ſhould extend ſo far as the

Borders

'Borders; and profeſſed, that all his Study and 'Care had continually been, to aboliſh this Griev- 'ance of Purveyance. Then he ſaid, he would 'make one Admonition unto the Lower-Houſe of 'Parliament; *viz.* That they ought to enter into a 'double Conſideration of themſelves: One, as they 'were Subjects in general; another, as they were 'ſpecially called to be Counſellors of the Kingdom; 'and that the Thought of the one muſt not make 'them forget the Conſideration of the other. That 'the Parliament was not ſo perpetual, but that they, 'being Subjects, were ſubject to an Account, as 'Kings themſelves were; who, though they be 'exempt from any Cenſure, or Correction, upon 'the Earth, yet, after the Expiration of their Reigns 'and their Lives, muſt yield an Account to the 'eternal King: And therefore admoniſhed them, 'to beware, that they were not like *Icarus*, the Son 'of *Dædalus*; that ſoared ſo near the Sun with his 'Wings of Wax, that his Wax melted, and his 'Wings failed, and down he fell: And therefore he 'would conclude, with *Neptune* in *Virgil*, *Sed 'motos præſtat componere fluctus*; and wiſhed, that 'they would know him, and obſerve him; and if 'that any ſuch Plebeian Tribunes ſhould incur any 'Offence, or commit any ſuch Error, they would 'correct them for it; and judge themſelves (as St. 'Paul ſaith) that they be not judged; and that the 'whole Body receive not a Wound by one ill Mem- 'ber thereof.'

An. 4 James I. 1606.

'But the greateſt and weightieſt Matter of all is 'this Matter of the Union; wherein (he ſaid) the 'Goodneſs of the Matter muſt ſupply his Want of 'Premeditation; for that, which he ſhould ſay, 'muſt proceed out of ſome Inſpiration, becauſe he 'had ſo ſmall a Time of Reſpiration to conſider 'it; but that Gold did not need to be guilded, 'nor precious Stores any Ornament. He purpoſed 'no more, but to repreſent an Idea of the Incep- 'tion and Perfection of all he required in this Matter 'of Union; wherein he would firſt anſwer all 'Objections, that, by Men of humorous or malicious

An. 4 James I. 1606. ‘ Minds, were oppoſed againſt this Union: Secondly, ‘ he would ſhew the Motive of his Deſire: Thirdly, ‘ the principal Heads of his Deſire: And laſtly, ‘ the End and Effect, the Fruit and Benefit of ‘ this Union.’

‘ The firſt Objection is, that there is no Neceſſity ‘ of an Union; and that therefore it is but ſuperfluous: ‘ Whereunto he anſwered, and confeſſed, there is ‘ no Neceſſity to make an Union, for it is already ‘ made; but to knit and bind it, that it do not ‘ break into Flaws and into Cracks, as a Contract ‘ is neceſſary unto Marriage: And that this Union ‘ was neceſſary, not *ad eſſe*, but *ad bene eſſe*; not ‘ to the very Eſſence, but to the firm Continuance ‘ of this Union and Marriage of both theſe King- ‘ doms; whereof the Creation or Conſtitution was ‘ not now required, but rather a Declaration and ‘ Confirmation.’

‘ The ſecond Objection is a ſcornful Objection; ‘ that it is not ſo rich, or ſo wealthy, or ſo potent ‘ a Kingdom; but that the People are more impo- ‘ tent, and more poor: Whereunto (though it were ‘ ſuch an Objection, as were more fit to be an- ‘ ſwered *Fuſtibus quam Rationibus*) he would an- ‘ ſwer them, that it was not his Purpoſe to de- ‘ prive *England* of it's Laws, nor of Goods, nor of ‘ Lands; but to lay *Scotland* ſubject to the Laws; ‘ and that, if they were determined, that the poor ‘ People of *England*, or the poor or barren Countries ‘ of *England*, ſhould be no Part of *England*; then ‘ perhaps there were ſome Cauſe he ſhould be better ‘ content, than *Scotland* ſhould ſtand ſtill divided and ‘ diſtinguiſhed from *England*: But if *Wales* were ‘ admitted to be Parcel of *England*; if the Borders, ‘ which are now naturally the middle Part of the ‘ Land; if all the barren Parts of *England* were ‘ received as Parcels thereof; he knew no Cauſe, ‘ why *Scotland*, which was not ſo barren or poor, as ‘ ſome Parts of them, ſhould not as well be admit- ‘ ted to an Union with *England*: And if the Great- ‘ neſs of *England* be ſo great, what Decreaſe can it ‘ ſuſtain by ſuch a Participation? Or if *Scotland* be

‘ poor,

'poor, what other Cauſe is there thereof, but the 'Want of this Union and Participation with *Eng-*'*land?* And when was there ever any King, or 'Kingdom, to whom this Principle of *amplianda* '*Dominia* was not acceptable and honourable?' An. 4 James I. 1606.

'But ſome (ſaid he) are ſo ſuſpicious, that they 'dare not truſt the preſent Times, nor the preſent 'King, with this Union; that this King is a partial 'King; he had his Birth there; his Education 'there; all his Acquaintance, Familiarity, and Con-'verſation, during the firſt Part of his Age, hath 'been there; and therefore it cannot be, but there 'muſt be Partiality in this King: Wherein (he ſaid) 'he would pardon them the double Wrong they 'did both to him and themſelves. For himſelf, he 'did profeſs, that ſo miraculous an Applauſe, as he 'received by the general Voice of all this Nation, 'at his firſt Entrance, had prevailed as much, and 'had as great a Part of his Heart, as the Place of 'his Birth; and that, as Education was *altera Na-*'*tura*, ſo his Reſidence and Continuance here was '*altera Educatio*; and that there was no Reaſon to 'ſuſpect, that either any Erection of that Nation, 'or any Suppreſſion of this, ſhould be endangered by 'this Union: Therefore, *qui habet Aures, audiat*; 'let them that have Ears, hear, and know, that 'there can no Servitude nor Diminution, but Aug-'mentation and Freedom, be brought by this Union 'to this Nation.'

'For the Motive of his Deſire, he acknowledged 'his Affection to *Scotland*, wherein he had his Birth 'and Education, and wherein he led the firſt Part of 'his Age; and if he ſhould be unthankful to that 'Kingdom, wherein he had ſpent the firſt Part, 'what might they expect of him in this Kingdom, 'wherein he ſhould ſpend the ſecond and laſt Part 'of his Age: And that therefore he did ſo equally 'eſteem theſe two Kingdoms, betwixt which he 'was ſo equally divided, as two Brothers, and as if 'they had equal Parts of his Affections; and did 'deſire, they ſhould be united and ſubjected both 'to one Rule and to one Law. His ſecond Motive

An. 4 James I. 1606. ‘was, that he knew himself to be mortal, as other ‘Men are; and that after him there could never be ‘any so equally and so amply affected to them both. ‘His third Motive was this, that if this Proposi- ‘tion should be disappointed of it's due Success, ‘being known, as it was, so publickly to so many ‘Nations, and the Eye of all the World in Expec- ‘tation of the Event; if it failed, it would be im- ‘puted either to his Folly, to propose it, or to the ‘Obstinacy of his People, not to approve it. For ‘the three Heads of his Desire, he protested, he ‘wished himself no longer alive, but dead, if his ‘Desires were not directed to the common Wealth ‘of both Kingdoms; which might appear to all ‘such, as did kindly and naturally examine and try ‘the Reasons of his Desire, and did not prefer the ‘Fear of future Apprehensions before present Truths: ‘And his Desire was no more, but of the same Ef- ‘fect, which of himself he had Power to accom- ‘plish, without the Parliament; not that they ‘should perform it, but that they should concur ‘with him to the Perfection of it.’

‘For the three Heads, they were but these: The ‘first, every Man would acknowledge, that there ‘was now no Cause of Hostility or War; and ‘therefore no Cause but that all Laws and Ordin- ‘ances of Hostility might be extinguished. The ‘second was that which every Man must acknow- ‘ledge to be commodious, and that which all Na- ‘tions in Amity and Peace, though foreign, and ‘subject to several Dominions, did admit and em- ‘brace, Freedom of Commerce and Traffick. The ‘third is but that his Subjects may be adjudged to ‘be his Subjects; and that those, that were born ‘his Subjects, before he was King of *England*, may ‘have this Benefit, to be esteemed his Subjects, now ‘he is King: And since there is no Cause to ac- ‘count them Aliens, but because they were born ‘under his Dominions, before he was King here; ‘now that he is King, may be privileged, as those ‘that are born under him, being their King. As ‘for *Scotland* itself (whereof was once made an

‘Objection)

'Objection) it is content to embrace this Union. An. 4 James I. 1606.
'And therefore now let that, which hath been
'fought ſo much, and ſo long, and ſo often, by
'Blood, and Fire, and by the Sword, now it is
'brought and wrought by the Hand of God, be
'embraced and received with an Hallelujah; and
'let it be as *Wales* was, and as all the *Heptarchy*
'was, united to *England*, as the Principal; and let
'all at laſt be compounded and united into one
'Kingdom. And ſince the Crown and the Scep-
'ter, Juſtice and Law, and all, is reſident and
'repoſed here; there can be no Fear to this Na-
'tion, but that they ſhall for ever continue conti-
'nual Friends, and ſhall ever acknowledge one
'Church, and one King; and be joined in a per-
'petual Marriage, for the Peace and Proſperity
'of both Nations, and for the Honour of their
'King.'

'And ſo concluded, that ſithence Union was
'the very Eſſence of Divinity, and the Staff of all
'States; was the Bond of Marriage, the Strength
'of Families, the Increaſe of Kingdoms, and the
'Kiſs of Enemies; let us all embrace it, that we
'may all enjoy it. And as the laſt Seſſion made
'Proviſion for the State, and the Regiment, and
'the Policy of this Kingdom; let this, though
'the Labour be faſchious and troubleſome, pro-
'vide for the Amplitude and the Union of both
'Kingdoms, to the Glory of God, and the Ho-
'nour of the King.'

Proceedings on the Union, in Purſuance of the King's Speech.

The Affair of the *Union* being thus warmly preſſed by the King; it was purſued with great Vigour in both Houſes, throughout the whole Courſe of this Seſſion. The Houſe of Lords began with it on the ſecond Day of their Meeting; when, an Inſtrument for the *Union*, ready drawn up, by the Commiſſioners of both Kingdoms, was produced by the Lord Chancellor, and read; who, alſo, moved that the ſaid Inſtrument might be ſent down to the other Houſe: Which was done accordingly; with this Meſſage, 'That the ſaid Inſtrument had

An. 4 James I. 1606.

been read in their Houſe; but, becauſe it concerned both Houſes, it was ſent down to be read there, in like Manner; to the End that they might be well informed of the Contents before any further Proceedings were made.'

The Commons did not return an Anſwer till three Days after; when they acquainted their Lordſhips, 'That the Inſtrument for the *Union* had been read, alſo, in their Houſe, and ſeveral Copies taken of it; and that they now returned it back to the Lords, for ſuch further Proceedings as they ſhould think fit.' On this the Lords ſent another Meſſage to them, importing, ſome Commendations for the Commons peruſing and taking Copies of the ſaid Inſtrument; and deſiring that another Conference might be held by the Commiſſioners of both Houſes. The Commons having returned a ſatisfactory Anſwer to this laſt Meſſage, the Lords choſe forty of their Body for a Committee, who were appointed to meet with eighty of the other Houſe, on the 25th of *November*, to treat about this grand Affair.

The Inſtrument of the Union read in the Houſe of Commons.

The Inſtrument for the *Union* was read in the Houſe of Commons *November* 21ſt, and is entered, at length, in their *Journals*; but is too tedious to be recited. And, we the rather omit it, becauſe the Springs and Motions of this grand Machine are more ſuccinctly deſcribed in the Lords *Journals*; which, for Brevity's ſake, we ſhall chiefly follow, in the Proceedings of this Seſſion now before us.

Proceedings thereupon.

Two Days after the firſt Conference, the Commons ſent a Meſſage to the Lords, 'Commending the honourable Uſage which the Lords Commiſſioners had given to their Committee at the Conference. That the Propoſition had been conſidered of by their Houſe; and ſince they held this Matter to be very great and weighty, ſo much, as to concern the Conjunction of two Kingdoms, which had been long, heretofore, in Enmity; they intended to ſettle the Diſpute in four Points, which they took to be the Subſtance of the Inſtrument for the *Union*.' Theſe Points were,

1. Hoſtile

An. 4 James I. 1606.

1. Hoſtile Laws.
2. Border Laws.
3. Naturalization.
4. Commerce.

'The firſt two, they ſaid, were Matters beſt fitting their Lordſhips Knowledge, and properer for the Higher Houſe to diſcuſs; being Affairs, more eſpecially, of Policy and State. The other two they will take upon themſelves to manage, as Things appertaining to the whole Body of the Realm, and therefore fitter for the Lower Houſe of Parliament.'

The Anſwer returned by the Lords to this laſt Meſſage of the Commons, on the Day after, was to this Effect: 'That their Lordſhips, having conſidered of their Meſſage, did ſignify to that Houſe, that they thought the Beginning and End of their joint Committees, in this *Union*-Affair, was to inculcate and perfect an Uniformity in Conſultation and Debate at their Conferences about it, and which occaſioned their Lordſhips to deſire a Meeting. But, as yet, they found it had produced nothing but a Meſſage; in which, as their Lordſhips Expectations were not anſwered, conſidering with what Plainneſs and Freedom they had proceeded, ſo they think it improper to receive any Propoſitions from them, before ſuch Points were jointly ſettled between them by whom they were to be handled. For firſt, they ſaid, every Member had an Equality of Intereſt, in every Particular, rightly conſidered. Secondly, Their Lordſhips conceived it a kind of Diminution in Capacity of the Lower Houſe, to think that any Thing is too great for them, or too little for the Lords: Eſpecially, in what concerns every Member of either Houſe, in his Perſon, in his Blood and Fortune. Nevertheleſs, although the Lords ſtill remain diſpoſed as before, both for Love and Order, to deſire that mutual Satisfaction which Conferences commonly work in Minds well affected; yet, if the Commons, upon ſecond Thoughts, do ſtill miſlike of Conference, their Lordſhips, to loſe no Time, are

An. 4 James I. 1606. reſolved to proceed in their own Way without them, and leave the Commons to follow their Courſe by themſelves.'

It is eaſy to ſee, by the Purport of this laſt Meſſage, where the *Remora* was that hindered the Progreſs of this intended *Union*, ſo much deſired by the King. The Lords, as they generally were, ſeemed ready to compliment the Court; but the Commons were not to be induced, ſo eaſily, to conſent to this Innovation. However, they returned a civil Anſwer to the laſt Meſſage of the Lords; importing, 'That they were ſorry their Lordſhips had miſtaken their Meaning, and imagined they had refuſed Conference, or had a Purpoſe or Meaning to preſcribe and limit the Proceedings of that Houſe. They deſired their Lordſhips to know, that they had no ſuch Intention of either diminiſhing the Liberty or Capacity of their own Houſe, or, what is more, the Dignity of the Houſe of Lords. But that their Meaning was only, to offer that Motion of digeſting and ordering of the four principal Points, as they conceived, in the Inſtrument of the *Union*; that their Lordſhips might, if they pleaſed, undertake two of them. But now, that they underſtood their Lordſhips Mind, by the laſt Meſſage, they deſire to let them know, that they are willing to enter into Conſideration of the whole Body of the Inſtrument, and debate the ſeveral Matters therein contained amongſt themſelves, that they may be better prepared for a Conference, which they will then be ready to attend; and deſire their Lordſhips Concurrence with them.' Anſwer was immediately returned, that the Lords are well ſatisfied with the Courſe the Commons had now preſcribed, and deſire they would proceed in it, as they themſelves intended, with Expedition.

The Lords went next upon regulating their own Committee as to their Manner of ſpeaking, in the Debate, at the Conference. They relaxed ſome Rules and Orders uſed in the Houſe; as the Order for ſpeaking but once to a Bill, at one Time of Reading,

Reading, &c. and left it open to any Lord to ſpeak and deliver his Mind, upon any Point, as often as he ſaw Occaſion. It was alſo agreed, that all the Judges, or ſuch of them as are daily preſent in the Houſe, ſhall attend the Lords at their Conference, from Time to Time; to give their Opinions in any Point of Law. An. 4 James I. 1606.

Theſe Preliminaries being ſettled, the Conference between the Committees of both Houſes, on the Matter of *Union*, began; but no clear Account of it can be met with in the *Journals* of either Houſe. However, we find it continued till *December* the 18th, when the Lords ſent a Meſſage to the Commons, ſignifying, 'That it was his Majeſty's Pleaſure, that both Houſes ſhould adjourn themſelves to the 10th Day of *February* enſuing.' The Lord Chancellor made a ſhort Speech to the Lords, 'That it was his Majeſty's expreſs Command to all the Lords, to appear and attend duly at the next Meeting. And, whereas ſeveral of them had been abſent this Seſſion, by Licence from his Majeſty, either on account of Sickneſs or Buſineſs, his Meaning was, that they ſhould give their Attendance as ſoon as ever their Buſineſs was diſpatched, or their Health recovered.'

The *Journal* of the *Commons* ends this ſhort Seſſion, if it may be called one, in this Manner:

'*Die Jovis* 18° *Decembris* 1606.

'Sir *John Crook* and Mr. Dr. *Hone* bring this Meſſage from the Lords, That his Majeſty conſidering the great Travel of the Knights, Citizens, and Burgeſſes, Committees employed in Matter of the *Union*; and that the ſolemn Feaſt of *Chriſtenmaſs* approaching, it were fit that the Gentlemen repaired into their ſeveral Countries, to ſolace themſelves, comfort their Neighbours, and perform other Duties in their ſeveral Places: Therefore, his Highneſs hath ſignified his Pleaſure to be, that this Seſſion ſhould be adjourned. And becauſe this Buſineſs might be no Hindrance to the common Juſtice of the Realm in the Term-Time, his Majeſty's The Parliament adjourned.

An. 4 James I. 1606.

Pleasure was to adjourn it until the 10th of *February* following, being within three Days of the End of the Term.'

'Upon this Message Mr. Speaker adjourned the Court according to his Majesty's said Pleasure.'

'*Note:* A Session adjourned, upon a Message from the Lords signifying his Majesty's Pleasure.'

'*Note:* The Intermission of Adjournment (still continued one and the same Session) was one whole Month and twenty three Days.

They meet again, and resume the Consideration of the Union.

The 10th of *February* being come, the Parliament met again, and the same Admonition for strict Attendance was given to the Lords, by the Chancellor, as he had it in Command from the King. On the 14th the Lords sent a Message to the Commons to acquaint them, 'That they had entered into Consideration of those Things, which had already passed in Conference, concerning the *Union*. That the two Points, relating to *Hostile Laws* and *Commerce*, have been handled but not perfected. That the third Point, touching *Naturalization*, remained wholly to be treated of; which, being done, both Houses might better consider what further Course may be taken for framing and proceeding in Bills, fit for the Purpose. And therefore the Lords desire a new Conference on this Occasion.' Answer was immediately returned by the Commons, that they agreed thereto; but, as the Point of *Naturalization* was not yet touched upon, they were not ready to treat about it; and therefore desire the Lords to give them farther Time. On the 22d of *February*, the Lords received another Message from them, importing, 'That they were ready to speak to one Part of the Point of *Naturalization*, which was, of such of the *Scotch* Nation as had been born *since* his Majesty came to the Crown. Accordingly, *February* the 24th was appointed, by the Lords, to begin the Conference, and all the Judges ordered to attend it.

What

What we find this *Union* chiefly ſtuck upon, by the *Journals*, was the laſt mentioned Point of *Naturalization*. And, on the very firſt Day of this ſecond Conference, the Judges being required to give their Opinion concerning that Particular, eleven out of twelve of them declared, 'That ſuch of the *Scotch*, as have been or ſhall be born in *Scotland*, *ſince* his Majeſty's coming to the Crown, were not *Aliens*; but, are inheritable in this Realm by the Law, as it now ſtands in Force, as Native *Engliſh*.' An. 4 James I. 1606.

Several Reports were made in the Houſe of Lords, concerning this Conference, and divers Meſſages ſent between the two Houſes about it; but none of them of any great Signification until the 3d of *March*. When, a Meſſage was ſent from the Commons, in Writing, in Anſwer to one the Lords had ſent the Day before, in the ſame Manner, to prevent Miſtakes. Importing, 'That, whereas the Meſſage from their Lordſhips was for a further Conference on *Naturalization* in general; the Commons anderſtanding it to mean *Naturalization* of the *Ante-Nati* and *Poſt-Nati*, and of the Conveniency of it, with ſuch Limitations and Reſtraints as might be fit for both; they will enter into Conſideration of it in ſuch Senſe as they conceive it, and will prepare themſelves for Conference as ſoon as poſſible.' Diſpute between the two Houſes concerning the Naturalization of the Scotch.

To this the Lords inſtantly replied, 'That their Meſſage to the Commons was to confer on *Naturalization* in general; of which, what Expoſition or Interpretation they ſhall make, the Lords do leave to their own Judgment and Conceits. That their Lordſhips are ready now to confer with them on the general Point; and withal, the Lords do move them and expect that the Commons will be expeditious in the Matter.'

Affairs now began to grow a little warm between the two Houſes, about the Buſineſs of the *Union*; which ſhewed the King very plainly, that his hopeful Project was in a fair Way of being entirely quaſhed. The Commons ſent another Meſſage

to

An. 4 James I. 1606. to the Lords, the Day after the laſt mentioned, to this Effect: 'That they had entred into Conſideration of the Lords Reply to their laſt Anſwer; and do perceive that the Conſtruction and Underſtanding of the Meſſage is left to their own Judgments. Wherein, if their Lordſhips are to treat again of the *Poſt-Nati*, in what Sort they ſtand in Law, the Meſſenger [Sir *Edward Hobby*] ſaid, he was commanded to tell them, that they all knew the Commons Opinion and Inclination in that Point; and, ſince that Time, they had not ſeen, heard, nor underſtood any thing, to the contrary, that might ſeem to make them alter their Opinion. If, of the *Ante-Nati* and Conveniency of *Naturalization*, they hold it to be a Matter of State; and ſo it is fitter to have a Beginning in the Upper Houſe, who are better acquainted with theſe Affairs. Yet, notwithſtanding, if the Lords were diſpoſed to deal freely with them, give Light and lay open themſelves, and make known in what Sort they mean to proceed, they will be ready to attend the Service.'

The Commons Meſſengers were ordered to withdraw; and ſhortly after the Lords returned an Anſwer, by Meſſengers of their own, to this Import. 'That as the Strength of both Houſes conſiſted in nothing more, than the Preſervation of the Right and Privilege juſtly and properly belonging to either; ſo, in that Reſpect, the Lords are very tender in ſuffering any thing to paſs unanſwered whereof there may ariſe the leaſt Miſunderſtanding. Therefore, although ſome Words, delivered by the Gentleman appointed to ſpeak for the Lower Houſe, gave ſome Offence, yet, all their Lordſhips did conceive they were only a *Lapſus Linguæ* in his own Perſon, to which any Man may be ſubject: But, being ſpoken at that Time, and by a Perſon qualified as their Mouth, the Lords did not think it ſafe for them to conceal it from the Commons; for if it had been otherwiſe taken than the Gentleman's private Action, they muſt have uſed that Freedom which is neceſſary from one Friend

to

to another, in telling them that they will never acknowledge any Man, that ſitteth in the Lower Houſe, to have the Right and Title of a Baron of Parliament. Though ſome private Gentlemen, that ſit as Burgeſſes for *Cinque-Ports*, may have ſuch an Appellation where they reſide: No more could they admit the Term of the *Commons Court of Parliament*; becauſe their whole Houſe, without the Lords, can make no Court of Judicature. But now, as to the Matter itſelf, having ſaid enough of the Miſtake, the Lords added they were very ſorry to find ſo much Reſervation towards thoſe that meant to uſe ſo much Freedom; their Lordſhips being ſo well perſuaded of the Commons good Affections to the general Cauſe as they were; and are willing ſtill to offer Conference, in general Terms, even on that particular Title of *Naturalization*. Therefore, they thought fit for the preſent, once again to declare thus much unto them, That they have not had amongſt themſelves any particular Deliberation, either in Point of Law or Conveniency, about this *naturalizing* Affair; becauſe they did intend to meet the Commons, free from any Obligation by any Voice or Opinion, upon any ſingle Branch of it, before they had in ſome Meaſure conferred of the whole; according to the firſt Inſtitution of the Conference, as being the only Way to come to a good and ſpeedy End. And, as their Meſſenger uſed a Phraſe of their Reſolution to attend the Service, the Lords declared unto them, that they underſtand that Expreſſion, as a Promiſe to confer as well as to hear what may be ſaid of the Matter; leſt, when the Lords expect a Conference, an Audience only may be offered. In which Conference there can be no Difficulty, ſeeing they come to debate and argue without Concluſion; and no Man's Thought can be ſo great a Stranger as not to debate the Matter, in ſome Degree or other. To which Intent, their Lordſhips would be ready to meet the Commons, if they ſo like it, at the uſual Place, on the 7th of *March*, at two in the Afternoon.'

An. 4 James I. 1606.

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An. 4 James I. 1606. It may be ſuppoſed the Commons ſent a more complying Anſwer to this laſt Meſſage of the Lords, (though there is nothing entered in the *Journals* of *March* the 5th, but this, *viz.* 'Meſſage from the Lower Houſe by Mr. *Martin* and others.') For the Conference did begin, on the 7th, as the Lords deſired. It was agreed at this Meeting, by the whole, that, to prevent Confuſion, the Number of the Committee of each Houſe ſhould be leſſened from forty Lords to twenty, and from eighty Commoners to forty. Accordingly, we find that the Lords reduced theirs to the Archbiſhop of *Canterbury* and ſix other Biſhops; the Lord Chancellor and Lord Treaſurer, five Earls and ſix Barons. Theſe Sub-Committees, it was ſuppoſed, were likely to bring Matters ſooner to a Concluſion than the larger; but it did not anſwer the Intention. For, though they had ſeveral Meetings, on many different Days, yet nothing was done that tended any Way towards an Agreement. On the contrary, we find that, on the 27th of *March*, the Lords ſent another complaining Meſſage to the Commons, importing, 'That their Committee had ſtrangely prevaricated with them; for that though their Lordſhips came with full Power and Purpoſe to deliver their Opinions openly, yet the Unexpected Reſervation of the Commons in hearing and not ſpeaking to the Matter, had taken away the Life of the intended Conference: Eſpecially conſidering that, inſtead of a free and open Debate between them, their Lordſhips had met with ſuch a Diſtinction, as did, in Effect, cloſe up all, and croſs directly the Purpoſe for which they were ſent. And yet, out of their Deſire that the Work may not ſuffer Interruption, by any Miſtakings or too exact Formalities; the whole Houſe, upon the Report of their Committee to them, have reſolved to make this farther Propoſition: That if the Commons would ſend a Committee, authoriſed both to hear their Propoſitions and Reaſons for ſome Difference between the *Poſt-nati* and the *Ante-nati*, in Point of

of Conveniency only, without Regard to any Thing that hath or may be said in Point of Law; and to debate thereupon, by Way of Argument only, as their Deputies should find Occasion, without concluding them or binding the Commons by any Thing spoken at that Time: Why then, the Lords said, to requite such free and ingenious Manner of Conference, which they had ever desired, they were ready to meet the other Committee again; and open themselves, by way of Proposition and Argument, in all those Points left untreated of.' *Answer*, 'That the Commons would send one, by some of their own House, as soon as conveniently they may.' An. 4 James I. 1606.

But no direct Answer was ever sent from the Commons to the Lords, on this last Message, that we can find; nor did the Committees meet again to confer on this Matter. However, the Commons did not wholly slight this grand Affair; but, in order to give some Satisfaction to the King in his Expectations, a Bill was brought in and passed that House, entituled, *An Act for the utter Abolition of all Memory of Hostility, and the Dependants thereof between* England *and* Scotland, *and for the repressing the Occasion of Discords and Disorders for the Time to come.*

An Act pass'd for preventing Discords between England and Scotland.

This Bill was sent up to the Lords, on the 6th of *June*; it was read in that House a second Time, and committed on the 8th; the next Day the said Committee reported, 'That they had gone thro' the Bill; but, finding some Causes of Doubt in it which they desired to be cleared, they moved, that another Conference might be had, by Committees of both Houses that Afternoon.' Answer returned, 'That the Commons will attend their Lordships to the Number of one hundred of their House.'

This second Conference produced some better Effect than the former. Some Additions and Amendments were added, by Consent of both Houses, to the Bill: *June* the 30th, it was passed by

An. 4 James I. 1606.

by the Lords; and this Act ſtands the firſt, in our *Statute Books*, amongſt the printed Statutes of this Year.

We have now gone through the Proceedings of the Parliament, on this Affair of the *Union*, in what the *Journals* of the *Lords* will inſtruct us about it. But the *Journals* of the *Commons* are much more circumſtantial in the Debates of their Members on this grand Article; which we ſhall draw out as conciſely as the Nature of the Thing, to make it intelligible, will bear.

Beſides inſerting the *Inſtrument*, at full Length, agreed on, ſigned and ſealed by thirty-nine *Engliſh* and twenty-eight *Scottiſh* Commiſſioners; certain *Notes* or *Memorandums*, were read, containing the Ground-Work of their Proceedings in this Affair in the laſt Seſſion. We ſhall omit all theſe, and content ourſelves, and we hope our Readers, with giving the Subſtance of each particular Member's Arguments for and againſt this great Queſtion. Which, with what has gone before, may well make up the whole Sum of the Buſineſs.

Debate in the Commons on the Point of Naturalization.

February 14th, Mr. *Fuller* firſt began the Diſpute againſt a *General Naturalization*; he argued, 'That God had made People fit for every Country; ſome for a cold, ſome for a hot Climate; and thoſe ſeveral Countries he hath adapted to their ſeveral Natures and Qualities. As all Grounds are not fit for one Kind of Grain; but ſome for Oats, ſome for Wheat, *&c.* Suppoſe one Man is Owner of two Paſtures, with one Hedge to divide them; the one Paſture bare, the other fertile and good. A wiſe Owner will not quite pull down the Hedge, but make Gates to let the Cattle in and out at Pleaſure; otherwiſe they will ruſh in in Multitudes, and much againſt their Will return. That the *Union* was no more than as two Arms of one Body. But before they be admitted, it is proper to conſider what Place and Room we have for them. Look into the Univerſities, there you will find many of our own, very worthy Men, not preferred. In *London*, ſee what the

Bill of Inmates doth provide for; and remember what was opened to the Houſe on the Reading of that Bill. Amongſt the Merchants, though they labour, toil and provide all they can; yet they have had no Fruits, no Succeſs theſe three Years. Our *Engliſh* Merchants adventure; they go to Sea with great Veſſels, freighted at a great Charge; the other with little Veſſels at a ſmall Charge. The *Scotch* carry their Wares in other Countries up and down in Packs; and, by theſe Means, have taken away all the Trade from *Diep* already. Our Traders are too many already; and there are Impoſitions upon the *Engliſh* from which the *Scotch* are diſcharged. The Navy of *Scotland* is ſo weak as to be *in Miſericordiam* to every mean Force.---- He added, that the Care of a Sovereign Prince, is, that his Subjects live under him, *honeſtè, tutè, pacificè et jucundè*. That Country is miſerable, where the great Men are exceeding rich, the poor Men exceeding poor; and no Mean, no Proportion, between both.—Tenants of two Manors; whereof the one hath Woods, Fiſheries, Liberties, Common of Eſtovers, *&c.* The other a bare Common, without Profit; only a little Turf, or the like. The Owner maketh a Grant, that the Tenants of this ſhall be Participants of the Profits, *&c.* of the former. This beareth ſome Shew of Equity; but is plain Wrong and the Grant void. The King cannot make a ſingle Village in one, to be Parcel of another Country. He cannot make a Parcel of one Kingdom Parcel of another, being diſtinct Kingdoms. Law is the Happineſs of our Government. Commiſſioners are of abſolute Power, and occaſion abſolute Wrong. The King can do what he may do by his Legal Power. In the 13th of *Henry* IV. an Office of meaſuring Cloth was granted, with a Fee impoſed; but it was found unjuſt and adjudged void. So it was in Sir *Edward Darcey's* Caſe for ſealing of Cards. The King's Oath, by *Magna Charta*, is not to act againſt Law. A Protection granted by the King for three Years was not good; for one he may. If King

An. 4 James I. 1606.

Philip

An. 4 James I. 1606. *Philip* of *Spain* had had a Son by Queen *Mary*, he would have been King of *Spain*, *Sicily*, *&c.* was it proper to *naturalize* thoſe Subjects? It cannot be good to mingle two Swarms of Bees under one Hive, on the ſudden. When the *Jews* were in Captivity, and were moved to Mirth and ſing Songs, they could not forget *Jeruſalem*; *Let their Right Hand forget their Left*, *&c.* And when *Abraham* and *Lot* were Brethren; *Abraham* ſaid, *Go thou to the Right Hand, and I will go to the Left*, *&c.* So they divided, and either took that Part which was fitteſt for him.

This Speech was followed by Mr. *Wentworth* and Mr. *Moore*; the main Points of whoſe Arguments were, That *England* and *Scotland* were *una et alia Reſpublica*; Scotland, *aliena Reſpublica*. They acknowledge no Crown, no King, no Sovereignty but *Scotland*; we none but that of *England*. No Alteration being made by the King's coming hither.——Remembered, that the King ſaid in a Speech, reported from him to the Houſe, this Seſſion, 'I would be loath to live to ſee the King of *Scotland* do Wrong to the King of *England*.' The King is ſeized, *in Jure Coronæ*, Scotiæ; *et in Jure Coronæ*, Angliæ. If there be two Regalities, how one Kingſhip? *Ireland* was ſubdued by Conqueſt, by *Henry* II. and they have ever ſince been natural born Subjects. If we think the Law to be one Way, not to declare it another. Laſtly, if we naturalize them, it is neceſſary to have many Cautions; Cautions for Eccleſiaſtical Promotions; Cautions for our Lands and for our Trades. All theſe to be well conſidered of by a Committee.

On the other Side, Sir *Francis Bacon*, Solicitor-General, ſpoke; and began with a Requeſt, *Ut cum Calculis Suffragiorum ſumant Magnanimitatem Reipublicæ*; and not think, altogether on their own private States and Conditions. Put off private Conſiderations, and raiſe their Thoughts to the public State. That there were ſeveral Degrees of Good and of Evil; Wiſdom to avoid the worſt

of

of Evils, if not to attain the best of Good. The main Objections against the *Union* urged were; *Nè fortè sufficiat Vobis et Nobis.* That *Abraham* and *Lot*, when their Families grew great, divided. This had been been better not quoted, if we take with it the Mischiefs which ensued by the Division. For the Argument of two Pastures, *&c.* there is great Difference between Men and Beasts. Cattle presently feed; take their Bite presently; but Men must have Stock, Means, Acquaintance, Time of Settling, *&c.* In this Spring-Time of the King's coming, how many Families planted? It is said they are poor; Men will shew their Poverty at Home rather than in a foreign Country. There is no evident Token of Surcharge of People in this Kingdom; there are many great Wastes, surrounded Grounds, Fisheries, *&c.* unoccupied. But, if we be pent up close in *England*, there is Room enough Abroad; witness *Ireland*, *Virginia*, and other foreign Plantations.' An. 4 James I. 1606.

'Take away, adds our Orator, this Note, or Mark, of Foreigners, and our Laws will come upon them unawares. It is not a Conquest, but like Water into our Wine, a Commixture; and shall we not now be sensible that we have it by a cheaper Mean?"-----He urged the Example of several foreign Kingdoms and States; but the Notes are so short, in the *Journals*, as to be unintelligible.----He concluded with saying, That the *Scottish* Subject was bound to defend us, fight for us if there was an Invasion; or, if at War, with any Nation. That *England* and *Scotland* united, *Ireland* reduced, the *Low-Countries* contracted, and our Shipping maintained, Shipping a voluble Monarchy, we shall be the greatest Empire that hath been heard on in many Ages. We shall purchase Surety, Glory, Greatness, though not Wealth. But, if there be no further *Union*, by *Naturalization*, the Nature of Things doth bear that these Kingdoms must break. Therefore, let us not stand upon Pittances and Reckonings, but come to the Point.'

An. 5 James I. 1607.

These were all, or most of the Arguments, used on both Sides, in this Day's Debate; and we shall take Notice of no more, being sufficient to shew the Temper of both Court and Country Party, in the House, on the Subject of the *Union*. We cannot, however, avoid giving the Case of one Member who was punished, by his Brethren, for letting his Tongue run too far in Invectives against the *Scottish* Nation, in one of the Days of Debate.

Sir Christopher Pigot reflects on the Scots.

This was Sir *Christopher Pigot*, Knight, one of the Knights for the County of *Bucks* (*e*), who, when some *Memorandums* about the *Union* were offered to be read, and a Dispute arose, whether all at once or separately, this Knight, with a loud Voice, and not standing up with his Hat off, as the Order is, pressed to have them read generally, concurring in this with the Opinion of several others. But the House observing his Manner of sitting and calling, for Order's sake, urged him to stand up and speak, if he was desirous to make known his Opinion. Upon which he arose, and pretending, at first, to deliver some Reasons why he pressed the Reading of the Remembrances, generally; he, afterwards, entered into a Bye-Matter of Invectives against the *Scots* and *Scottish* Nation; using many Words of Scandal and Obloquy, ill-beseeming such an Audience, and not pertinent to the Matter in Hand. 'As, Let us not join Murderers, Thieves, and the roguish *Scots* with the well-deserving *Scots*. As much Difference between them as between a Judge and a Thief. He would speak his Conscience without Flattery of any Creature whatsoever. They have not suffered above two Kings to die in their Beds, these two hundred Years. Our King hath hardly escaped them; they have attempted him. Now he is come from amongst them, let us free him from such Attempts hereafter, &c (*f*).' The House, we are informed, were so amazed at this Speech that they stood staring at one

(*e*) He was elected upon the Vacancy occasioned by Sir *Francis Goodwin's* Resignation ——— See before, p. 84.
Willis's *Notitia Parliamentaria*.

(*f*) *Diarium Dom. Com.*

one another, and took no Notice of it for that Time, but let it pass without Tax or Censure. Ad. 4 James I. 1606.

It was not till three Days afterwards, that the House bethought themselves of this insolent Speech; when the Words of Offence contained in it, were particularly recited. But this seems to have been spurred up by a Message from the King, who said; 'He did much mislike and tax the Neglect of the 'House; in that the Speech was not interrupted in 'the Instant, and the Party committed before it be-'came public, and to his Highness's Ear.' In Excuse of this, it was answered, 'That *Leves loquuntur Curæ, ingentes stupent*; and that it seemed to fall within that Case, wherein *Solomon's* Counsel was, *Not to give an Answer*; but that the Dislike appeared, evidently, by the *mœstum Silentium*, which then was found in the House.' It was moved, That Sir *Christopher* might be sent for, which was immediately done by the Serjeant, with his Mace. Which the King complains of to the House.

It seems pretty plain, that the Commons Resentment of their Brother's ill Language was occasioned by this Message from the King; but, after all, they knew not which Way to censure him for it: Freedom of Speech, in their House, was ever a darling Privilege; and, after the Serjeant was gone for the Offender, many Motions and Questions ensued upon it. The Prisoner being set to the Bar, laboured to explain the Words uttered by him; and to clear himself from Malice and Disloyalty. Which the House did not much regard; but, being commanded out, they debated what Punishment they should fix upon him. The *Tower* was first named, and, also, a Dismission from his Place in the House. Much Dispute arose about this last Affair; at length being agreed, the Offender was called in again, and kneeling, the Speaker pronounced this Judgment upon him, *viz.* 'That since his Offence was so apparently heinous, the House did not hold it fit that any Particulars should be named, or to give a Reason for their Judgment; but their Order was, That he should be carried to

An. 4 James I. 1606.

the Priſon of the *Tower*, there to remain during the Pleaſure of the Houſe: That he ſhould be diſmiſſed from his Place of Knight of the Shire of *Bucks*; and a Writ iſſued out for a new Choice.' Accordingly his Warrant for Committment, and a new Writ, were made out, the Form of both which are entered in the *Journals*.

Whereupon he is committed to the Tower, and expelled.

After the Priſoner had remained ſome Time in the *Tower*; he ſent a Letter to a Relation of his, a Member of the ſame Houſe, complaining of his ill State of Health, occaſioned by his Confinement; and begged of him to interceed with the Commons for his Releaſe. Much Diſpute aroſe, about the Manner of his Enlargement, and whether they ought to acquaint the King with it; much Fear was had about their Privileges, becauſe he was committed by an expreſs Order of the Houſe. At laſt, the Speaker undertook this Matter with the King; and the next Day reported this Meſſage from his Majeſty about it.

'That he had taken Notice of the Motion and Petition, made in the Houſe, for the Releaſement of Sir *Chriſtopher Pigott*, and ſaid, 'That out of an 'ill Cauſe there might grow a good Effect. That 'the Speech was very raſh and unadviſed at the 'firſt, and that the Silence of the Houſe might 'have bred ſome ill Conceit; but his Majeſty is far 'from Opinion, that it received Allowance from 'any Member in the Houſe, interpreting, always, 'that the Cauſe of their Forbearance was, leſt it 'might be any Interruption to the Buſineſs in 'Hand.

'But ſince, he is more abſolutely ſatisfied with 'their Carriage: 1. In that they have not charged 'him with Particulars, but have put the Words in 'Oblivion. 2. That they have proceeded againſt 'him to the Height of Juſtice. 3. That they 'have not been willing to proceed with his Enlarge-'ment, until he might take Notice of it. That, 'as in the laſt Seſſion, he had taken true Heart's 'Content, in the Manner of granting the *Subſidy*, 'and for that did think them well-deſerving his 'Thanks;

'Thanks; ſo, in this unhappy Buſineſs, it pleaſeth 'him ſo well, that he again returns them Thanks 'for it. An. 5 James I. 1607.

'For the Motion, as at the firſt, he conceived, 'they proceeded to his Puniſhment with great 'Judgment; ſo, will he not now aſſume to him-'ſelf any Power, but leave it to the ſame Judg-'ment for Mercy; and, if they think good, wiſh-'eth he may be freed from the Priſon, and diſpoſe 'himſelf in ſome fitter Place for his Health.'

After this was heard, a Motion enſued, That Sir *Chriſtopher* might be reſtored to his Place in the Houſe again; which was not aſſented to; but, it was preſently ordered that he ſhould be enlarged, and a Warrant was directed to the Lieutenant of the *Tower* for that Purpoſe. But upon the King's Meſſage diſcharged.

During theſe Conteſts in the Lower Houſe, the King took all poſſible Pains, by Meſſages, *&c.* to keep them together and make them uniform. Many of the Members had ſlipped into the Country, or neglected the Service, as diſliking the Buſineſs they were upon. A Call of the Houſe was therefore ordered; but before that happened, the King called both Houſes before him, to *Whitehall*, *March* 31, in order to reconcile their Differences, and ſpoke to them as follows:

My Lords of the Higher Houſe, and you Knights and Burgeſſes of the Lower Houſe:

'ALL Men, at the Beginning of a Feaſt, 'bring forth good Wine firſt, and after 'worſe: This was the Saying of the Governor 'of the Feaſt at *Cana* in *Galile*, where *Chriſt* 'wrought his firſt Miracle, by changing Water 'into Wine; but in this Caſe now, whereof I 'am to ſpeak unto you, I muſt follow that Go-'vernor's Rule, and not *Chriſt's* Example, in giv-'ing you the worſt and foureſt Wine laſt. For 'all the Time of this long Seſſion of the Parlia-'ment, you have been ſo fed and cloyed (ſpecially 'you of the Lower Houſe) with ſuch Banquets, 'and Choice of delicate Speeches, and your Ears The King's Speech to both Houſes for haſtening the Union.

An. 5 James I. 1607. ‘ſo ſeaſoned with the Sweetneſs of long precogitate Orations, as this my Speech, now in the breaking-up of this Aſſembly, cannot but appear unto your Taſte, as the worſt Wine, propoſed in the End of the Banquet; ſince I am only to deliver now unto you Matter, without curious Form; Subſtance, without Ceremony; Truth, in all Sincerity. Yet, conſidering the Perſon, that ſpeaketh; the Parties, to whom I ſpeak; the Matter, whereof I mean to ſpeak; it fits better to utter Matter, rather than Words; in regard of the Greatneſs of my Place, who am to ſpeak to you; the Gravity of you the Auditory, which is the High Court of Parliament; the Weight of the Matter, which concerns the Security and Eſtabliſhment of this whole Empire, and little World. Studied Orations, and much Eloquence upon little Matter, is fit for the Univerſities; where not the Subject, that is ſpoken of, but the Trial of his Wit, that ſpeaketh, is moſt commendable: But, on the contrary, in all great Councils of Parliament, feweſt Words, with moſt Matter, do become beſt; where the Diſpatch of the great Errands in Hand, and not the Praiſe (*g*) of the Perſon, is moſt to be looked unto; like the Garment of a chaſte Woman, who is only ſet forth by her natural Beauty, which is properly her own; other Deckings are but Enſigns of an Harlot, that flies with borrowed Feathers. And beſides the Conveniency, I am forced hereunto by Neceſſity, my Place calling me to Action, and not leaving me to the Liberty of Contemplation; having always my Thoughts buſied with the publick Care of you all; where every one of you, having but himſelf, and his own private, to think of, are at more Leiſure to make ſtudied Speeches. And therefore the Matter, which I deliver you confuſedly, as in a Sack, I leave it to you, when you are in your Chambers, and have better Leiſure, than I can have, to rank them in Order, every one in their own Place.

‘Thus,

(*g*) Pray, *in the Original.*

'Thus much by way of Preface: But I pro- An. 5 James I.
'ceed to the Matter: Whereof I might ſay, with 1607.
'St. *Paul*, I could ſpeak in as many Tongues, as
'you all; but I had rather ſpeak three Words to
'Edification, than talk a Day without Under-
'ſtanding. In vain (ſaith the Pſalmiſt) doth the
'Builder build the Houſe, or the Watchman watch
'the City, unleſs the Lord give his Bleſſing there-
'unto: And, in the New Teſtament, St. *Paul*
'ſaith, that he may plant, *Apollos* may water;
'but it is God only that muſt give the Increaſe.
'This I ſpeak, becauſe of the long Time, which
'hath been ſpent about the Treaty of the Union.
'For myſelf, I proteſt unto you all, when I firſt
'propounded the Union, I then thought there
'could have been no more Queſtion of it, than
'of your Declaration and Acknowledgment of
'my Right unto this Crown; and that, as two
'Twins, they would have grown up together.
'The Error was my Miſtaking: I knew mine own
'End, but not others Fears. But now (*b*) finding
'many Croſſes, long Diſputations, ſtrange Queſ-
'tions, and nothing done; I muſt needs think it
'proceeds, either of Miſtaking of the Errand, or
'elſe from ſome Jealouſy of me the Propounder,
'that you ſo add Delay unto Delay; ſearching out,
'as it were, the very Bowels of Curioſity, and con-
'clude nothing. Neither can I condemn you, for
'being yet in ſome Jealouſy of my Intention in this
'Matter; having not yet had ſo great Experience of
'my Behaviour and Inclination, in theſe few Years
'paſt, as you may peradventure have in a longer
'Time hereafter; and not having Occaſion to
'conſult daily with myſelf, and hear mine own
'Opinion in all thoſe Particulars, which are debated
'among you. But here, I pray you now, miſtake
'me not at the firſt, when as I ſeem to find fault
'with your Delays and Curioſity, as if I would
'have you to reſolve, in an Hour's Time, that,
'which will take a Month's Adviſement: For you
'all know, that *Rex eſt Lex loquens*; and you have

(*b*) Note, *in Orig.*

An. 5 James I. 1607. ‘oft heard me ſay, that the King's Will and Intention, being the ſpeaking Law, ought to be *Luce clarius:* And I hope you of the Lower Houſe have the Proof of this my Clearneſs, by a Bill ſent you down from the Upper Houſe within theſe few Days, or rather few Hours; wherein may very well appear unto you the Care I have, to put my Subjects in a good Security of their Poſſeſſions for all Poſterities to come. And therefore, that you may clearly underſtand my Meaning in that Point, I do freely confeſs, you had Reaſon to adviſe at Leiſure upon ſo great a Cauſe; for great Matters do ever require great Deliberation, before they be well concluded: *Deliberandum eſt diu, quod ſtatuendum eſt ſemel.* Conſultations muſt proceed *lento Pede*; but the Execution of a Sentence, upon the Reſolution, would be ſpeedy. If you will go on, it matters not, though you go with leaden Feet, ſo you make ſtill ſome Progreſs, and that there be no Lett, nor needleſs Delay; and do not *Nodum in Scirpo quærere.* I am ever for the Medium in every Thing. Between fooliſh Raſhneſs, and extreme Length, there is a middle Way. Search all that is reaſonable; but omit that, which is idle, curious, and unneceſſary; otherwiſe there can never be a Reſolution or End in any good Work.

‘And now from the General I will deſcend to the Particulars; and will, only for the Eaſe of your Memories, divide the Matter, that I am to ſpeak of, into four Heads; by opening unto you, Firſt, what I crave: Secondly, in what Manner I deſire it: Thirdly, what Commodities will enſue to both the Kingdoms by it: Fourthly, what the ſuppoſed Inconveniency may be, that gives Impediments thereunto.

‘For the firſt, what I crave; I proteſt before God, who knows my Heart, and to you my People, before whom it were a Shame to lye, that I claim nothing, but with Acknowledgment of my Bond to you; that, as ye owe to

'me Subjection and Obedience, so my Sovereign- An. 5 James I. 1607.
'ty obligeth me to yield, to your Love, Govern-
'ment, and Protection: Neither did I ever wish
'any Happiness to myself, which was not con-
'joined with the Happiness of my People. I de-
'sire a perfect Union of Laws and Persons, and
'such a Naturalizing, as may make one Body of
'both Kingdoms, under me your King; that I,
'and my Posterity (if it so please God) may rule
'over you to the World's End; such an Union,
'as was of the *Scots* and *Picts* in *Scotland*, and of
'the *Heptarchy* here in *England*. And for *Scot-*
'*land*, I avow such an Union, as if you had got
'it by Conquest; but such a Conquest, as may
'be cemented by Love, the only sure Bond of
'Subjection or Friendship: That as there is over
'both but *unus Rex*; so there may be in both but
'*unus Grex*, *et una Lex*: For no more possible is
'it for one King to govern two Countries conti-
'guous, the one a greater, the other a less; a
'richer, and a poorer; the greater drawing, like
'an Adamant, the lesser to the Commodities
'thereof; than for one Head to govern two Bo-
'dies, or one Man to be Husband of two Wives;
'whereof *Christ* himself said, *Ab Initio non fuit*
'*sic*.

'But in the general Union you must observe
'two Things; For I will discover my Thoughts
'plainly unto you: I study Clearness, not Elo-
'quence; and therefore, with the old Philoso-
'pher, I would heartily wish, my Breast were
'a transparent Glass, for you all to see through,
'that you might look into my Heart, and then
'would you be satisfied of my Meaning. For
'when I speak of a perfect Union, I mean not
'Confusion of all Things: You must not take
'from *Scotland* those particular Privileges, that
'may stand as well with this Union, as in *Eng-*
'*land* many particular Customs, in particular
'Shires (as the Customs of *Kent*, and the Royal-
'ties of the County Palatine of *Chester*) do with
'the Common-Law of the Kingdom: For every
'particular

An. 5 James I. 1607.

particular Shire almoſt, and much more every Country, have ſome particular Cuſtoms, that are, as it were, naturally moſt fit for that People: But I mean of ſuch a general Union of Laws, as may reduce the whole Iſland; that, as they live already under one Monarch, ſo they may all be governed by one Law: For I muſt needs confeſs, by that little Experience I have had ſince my Coming hither, and I think I am able to prove it, that the Grounds of the Common Law of *England* are the beſt of any Law in the World, either Civil or Municipal, and the fitteſt for this People. But as every Law would be clear, and full; ſo the Obſcurity in ſome Points of this our written Law, and Want of Fulneſs in others, the Variation of Caſes, and Mens Curioſity, breeding every Day new Queſtions, hath enforced the Judges to judge, in many Caſes here, by Caſes and Precedents; wherein, I hope, Lawyers themſelves will not deny, but that there muſt be a great Uncertainty; and I am ſure all the reſt of you, that are Gentlemen of other Profeſſions, were long ago weary of it, if you could have had it amended: For where there is Variety, and Uncertainty, although a juſt Judge may do rightly, yet an ill Judge may take Advantage to do Wrong; and then are all honeſt Men, that ſucceed him, tied, in a Manner, to his unjuſt and partial Concluſions. Wherefore leave not the Law to the Pleaſure of the Judge, but let your Laws be looked into: For I deſire not the aboliſhing of the Laws, but only the clearing and the ſweeping of the Ruſt of them; and that by Parliament our Laws might be cleared, and made known to all the Subjects. Yea rather, it were leſs Hurt, that all the approved Caſes were ſet down, and allowed by Parliament, for ſtanding Laws in all Time to come: For although ſome of them, peradventure, may be unjuſt, as ſet down by corrupt Judges; yet better it is to have a certain Law, with ſome Spots in it, nor

live

'live under such an uncertain and arbitrary Law; An. 5 James I. 1607.
'since, as the Proverb is, *It is less Harm to suffer*
'*an Inconvenience, than a Mischief.* And now
'may you have fair Occasions of amending and
'polishing your Laws, when *Scotland* is to be
'united with you under them: For who can
'blame *Stotland*, to say, If you will take away our
'own Laws, I pray you give us a better and clearer
'in Place thereof. But this is not possible to be
'done, without a fit Preparation. He that build-
'eth a Ship, must first provide the Timber; and, as
'*Christ* himself said, No Man will build an House,
'but he will first provide the Materials; nor a wise
'King will not make War against another, with-
'out he first make Provision of Money: And
'all great Works must have their Preparation;
'and that was my End, in causing the Instru-
'ment of the Union to be made. Union is a
'Marriage: Would he not be thought absurd,
'that, furthering of a Marriage between two
'Friends of his, would make his first Motion to
'have the two Parties be laid in Bed together, and
'perform the other Turns of Marriage? Must
'there not precede (*k*) the mutual Sight and Ac-
'quaintance of the Parties one with another; the
'Conditions of the Contract, and Jointure, to
'be talked of, and agreed upon, by their Friends;
'and such other Things, as in Order ought to go
'before the Ending of such a Work? The Uni-
'on is an eternal Agreement and Reconciliation
'of many long, bloody Wars, that have been
'between these two ancient Kingdoms. It is
'the readiest Way to agree a private Quarrel
'between two, to bring them, at the first, to
'shake Hands, and, as it were, kiss each other, and
'lie under one Roof, or rather in one Bed, to-
'gether, before that first the Ground of their
'Quarrel be communed upon, their Minds miti-
'gated, their Affections prepared, and all other
'Circumstances first used, that ought to be used,
'to proceed to such a final Agreement. Every
'honest

(*k*) Proceed, *in Orig.*

An. 5 James I. 1607. ‘ honeſt Man deſireth a perfect Union; but they ‘ that ſay ſo, and admit no Preparation there- ‘ to, have *Mel in Ore, Fel in Corde.* If after ‘ your ſo long Talk of Union, in all this long ‘ Seſſion of Parliament, ye riſe, without agree- ‘ ing upon any Particular; what will the Neigh- ‘ bour Princes judge, whoſe Eyes are all fixed ‘ upon the Concluſion of this Action, but that ‘ the King is refuſed in his Deſire; whereby the ‘ Nation ſhould be taxed, and the King diſgraced? ‘ And what an ill Preparation is it for the Minds ‘ of *Scotland* toward the Union, when they ſhall ‘ hear, that Ill is ſpoken of their whole Nation; ‘ but nothing is done nor advanced in the Matter ‘ of the Union itſelf? But this, I am glad, was ‘ but the Fault of one; and one is no Number: ‘ Yet have your Neighbours of *Scotland* this Ad- ‘ vantage of you, that none of them hath ſpoken ‘ ill of you (nor ſhall, as long as I am King) in ‘ Parliament, or any ſuch publick Place of Judi- ‘ cature. Conſider therefore well, if the Minds ‘ of *Scotland* had not need to be well prepared, to ‘ perſuade their mutual Conſent, ſeeing you here ‘ have all the great Advantage by the Union: Is ‘ not here the perſonal Reſidence of the King; ‘ his whole Court, and Family? Is not here the ‘ Seat of Juſtice, and the Fountain of Govern- ‘ ment? Muſt they not be ſubjected to the Laws ‘ of *England*, and ſo, with Time, become but ‘ as *Cumberland*, and *Northumberland*, and thoſe ‘ other remote and Northern Shires? You are ‘ to be the Huſband, they the Wife; you Con- ‘ querors, they as conquered; though not by the ‘ Sword, but by the ſweet and ſure Bond of Love: ‘ Beſides that they, as other Northern Countries, ‘ will be ſeldom ſeen and ſaluted by their King; ‘ and that, as it were, but in a poſting or hunt- ‘ ing Journey.’

‘ How little Cauſe then they may have of ſuch ‘ a Change of ſo ancient a Monarchy into the ‘ Caſe of private Shires, judge rightly herein; ‘ and, that you may be the more upright Judges, ‘ ſuppoſe

'suppose yourselves the Patients, of whom such Sentence should be given. But what Preparation is it which I crave? Only such, as, by the Entrance, may shew something is done, yet more is intended.' An. 5 James I. 1607.

'There is a Conceit entertained, and a double Jealousy possesseth many, wherein I am misjudged; first, that this Union will be the Crisis to the Overthrow of *England*, and Setting up of *Scotland*: *England* will be then overwhelmed by the swarming of the *Scots*, who, if the Union were affected, would reign, and rule all. The second is my profuse Liberality to the *Scottishmen*, more than the *English*; and that, with this Union, all Things shall be given to them, and you turned out of all: To you shall be left the Sweat, and Labour; to them shall be given the Fruit, and Sweet: And that my Forbearance is but till this Union may be gained.'

'How agreeable this is to the Truth, judge you; and that, not by my Word, but by my Actions. Do I crave the Union, without Exceptions? Do I not offer to bind myself, and to reserve to you, as in the Instrument, all Places of Judicature? Do I intend any Thing, which standeth not with the equal Good of both Nations? I could then have done it, and not spoken of it; for all Men of Understanding must agree, that I might dispose, without Assent of Parliament, Offices of Judicature, and others, both Ecclesiastical and Temporal: But herein I did voluntarily offer, by my Letters from *Royston* to the Commissioners, to bind my Prerogative.'

'Some think, that I will draw the *Scottish* Nation hither; talking idlely of transporting of Trees out of a barren Ground into a better; and of lean Cattle out of bad Pasture into a more fertile Soil. Can any Man displant you, unless you will? Or can any Man think, that *Scotland* is so strong, to pull you out of your Houses?'

An. 5 James I. 1607. ‘ Houſes? Or do you not think, I know *Eng-*
‘ *land* hath more People; *Scotland* more waſte
‘ Ground; ſo that there is Roumth in *Scotland*,
‘ rather to plant your idle People, that ſwarm
‘ in *London* Streets, and other Towns, and diſ-
‘ burthen you of them, than to bring more unto
‘ you? And in Caſes of Juſtice, if I be partial to
‘ either Side, let my own Mouth condemn me,
‘ as unworthy to be your King.’

‘ I appeal to yourſelves, if in Favour or Juſ-
‘ tice I have been partial: Nay, my Intention
‘ was ever, you ſhould then have moſt Cauſe to
‘ praiſe my Diſcretion, when you ſaw I had
‘ moſt Power. If hitherto I have done nothing
‘ to your Prejudice, much leſs mean I hereafter.
‘ If when I might have done it, without any
‘ Breach of Promiſe; think ſo of me, that much
‘ leſs will I do it, when a Law is to reſtrain me.
‘ I owe no more to the *Scottiſhmen* than to the
‘ *Engliſh*: I was born there, and ſworn here; and
‘ now reign over both. Such particular Perſons of
‘ the *Scottiſh* Nation, as might claim any extraor-
‘ dinary Merit at my Hands, I have already rea-
‘ ſonably rewarded; and I can aſſure you, that
‘ there is none left, for whom I mean extraordi-
‘ nary to ſtrain myſelf, further than in ſuch ordi-
‘ nary Benefit, as I may equally beſtow, without
‘ mine own great Hurt, upon any Subject, or ei-
‘ ther Nation; in which Caſe, no King's Hands
‘ can ever be fully cloſed. To both I owe Juſtice,
‘ and Protection; which, with God's Grace, I
‘ ſhall ever equally balance. For my Liberality,
‘ I have told you of it heretofore: My three firſt
‘ Years were to [them] (*l*) as a *Chriſtmas*: I could
‘ not then be miſerable. Should I have been over-
‘ ſparing to them, they might have thought, *Joſeph*
‘ had forgotten his Brethren; or that the King had
‘ been drunk with his new Kingdom. But Suits
‘ go not ſo cheap, as they were wont; neither are
‘ there ſo many Fees taken in the Hamper and
‘ Petty-

(*l*) *Deeſt in Orig.*

'Petty-Bag, for the Great Seal, as hath been; An. 5 James I. 1607.
'and if I did reſpect the *Engliſh*, when I came firſt,
'of whom I was received with Joy, and came as
'in a hunting Journey; what might the *Scottiſh*
'have juſtly ſaid, if I had not, in ſome Meaſure,
'dealt bountifully with them, that ſo long had
'ſerved me, ſo far adventured themſelves with me,
'and been ſo faithful to me. I have given you
'now four Years Proof, ſince my Coming; and
what I might have done more, to have raiſed
'the *Scottiſh* Nation, you all know; and the long-
'er I live, the leſs Cauſe have I to be acquainted
'with them, and ſo the leſs Hope of extraordinary
'Favour towards them: For, ſince my Coming
'from them, I do not already know the one half
'of them by Face; moſt of the Youth being now
'riſen up to be Men, who were but Children,
'when I was there; and more are born ſince my
'Coming thence. Now, for my Lands, and Re-
'venues of my Crown, which you may think I
'have diminiſhed; they are not yet ſo far di-
'miniſhed, but that I think no Prince in *Chriſten-*
'*dom* hath fairer Poſſeſſions to his Crown, than
'yet I have; and, in Token of my Care to
'preſerve the ſame to my Poſterity for ever, the
'Entail of my Lands to the Crown hath been
'long ago offered unto you; and that it is not
'yet done, is not my Fault, as you know. My
'Treaſurer here knoweth my Care, and hath al-
'ready, in Part, declared it; and if I did not
'hope to treble my Revenue more than I have
'impaired it, I ſhould never reſt quietly in my
'Bed. But, notwithſtanding my coming to the
'Crown with that extraordinary Applauſe, which
'you all know, and that I had two Nations to be
'the Objects of my Liberality, which never any
'Prince had here before; will you compare my
'Gifts, out of mine Inheritance, with ſome Prin-
'ces here, that had only this Nation to reſpect;
'and whoſe whole Time of Reign was little long-
'er than mine hath been already; it will be
'found, that their Gifts have far ſurpaſſed mine,
'albeit,

An. 5 James I. 1607. ‘albeit, as I have already ſaid, they had nothing ‘ſo great Cauſe of uſing their Liberality.

‘Secondly, for the Manner of the Union, preſently deſired, it ſtandeth in three Parts: The ‘firſt, taking away of hoſtile Laws: For ſince ‘there can be no Wars betwixt you, is it not ‘Reaſon, hoſtile Laws ſhould ceaſe? For, *deficiente Cauſa, deficit Effectus.* The King of *England* now cannot have Wars with the King of *Scotland*; therefore this fails of itſelf. The ſecond is, Community of Commerce. I am no ‘Stranger unto you; for you all know, I came ‘from the Loins of your ancient Kings. They ‘of *Scotland* be my Subjects as you are; but how ‘can I be natural liege Lord to you both, and ‘you Strangers one to the other? Shall they, ‘which be of one Allegiance with you, be no ‘better reſpected of you, nor freer amongſt you, ‘than *Frenchmen* and *Spaniards?* Since I am Sovereign over you both, as Subjects to one King, ‘it muſt needs follow, that you converſe and have ‘Commerce together. There is a Rumour of ‘ſome ill Dealings, that ſhould be uſed by the ‘Commiſſioners, Merchants of *Scotland.* They ‘be here in *England*, and ſhall remain till your ‘next Meeting, and abide Trial, to prove themſelves, either honeſt Men, or Knaves.

‘Thirdly, for the third Point, of Naturalization; all you agree, that they are no Aliens, and ‘yet will not allow them to be natural. What ‘Kind of Prerogative will you make? But for the ‘*Poſt-Nati*, your own Lawyers and Judges, at ‘my firſt coming to this Crown, informed me, ‘there was a Difference between the *Ante* and the ‘*Poſt-Nati* of each Kingdom; which cauſed me ‘to publiſh a Proclamation, that the *Poſt-Nati* ‘were naturalized (*ipſo facto*) by the Acceſſion to ‘this Crown. I do not deny, but Judges may err, ‘as Men; and therefore I do not preſs you here to ‘ſwear to all their Reaſons: I only urge, at this ‘Time, the Conveniency for both Kingdoms; ‘neither preſſing you to judge, nor to be judged:

‘But

'But remember also, it is as possible, and likely, 'your own Lawyers may err, as the Judges. 'Therefore, as I wish you to proceed here in so 'far as may tend to the Weal of both Nations; 'so would I have you, on the other Part, to be- 'ware to disgrace, either my Proclamation, or 'the Judges; who, when the Parliament is done, 'have Power to try your Lands and Lives; for 'so you may disgrace both your King and your 'Laws: For the doing of any Act, that may pro- 'cure less Reverence to the Judges, cannot but 'breed a Looseness in the Government, and a 'Disgrace to the whole Nation. The Reason, 'that most moves me, for ought I have yet heard, 'that there cannot but be a Difference between 'the *Ante-nati* and the *Post-nati*, and that in the 'Favour of the last, is, that they must be nearer 'unto you, being born under the present Govern- 'ment, and common Allegiance. But in Point of 'Conveniency, there is no Question, but the *Post-* 'nati are more to be respected; for if you would 'have a perfect and perpetual Union, that can- 'not be in the *Ante-nati*, who are but few in 'Comparison of those, that shall be in all Ages 'succeeding, and cannot live long; but in the '*Post-nati* shall the Union be continued, and live 'ever, Age after Age; which, wanting a Dif- 'ference, cannot but leave a perpetual Mark of 'Separation in the Work of the Union: As also 'that Argument of Jealousy will be so far remov- 'ed in the Case of the *Post-nati*, which are to 'reap the Benefit in all succeeding Ages, as, by 'the contrary, there will then arise *Pharaohs*, 'which never knew *Joseph*; the Kings, my Suc- 'cessors, who, being born and bred here, can ne- 'ver have more Occasion of Acquaintance with 'the *Scottish* Nation in general, than any other '*English* King, that was before my Time. Be 'not therefore abused with the flattering Speeches 'of such, as would have the *Ante-nati* preferred; 'alledging their Merit in my Service, and such 'other Reasons, which indeed are but Sophisms:

An. 5 James I. 1607.

An. 4 James I. 1606. 'For my Rewarding, out of my Liberality, of any 'particular Men, hath nothing adoe with the gene- 'ral Act of the Union which muſt not regard the 'Deſerts of private Perſons, but the general Weal 'and Conjoining of the Nations. Beſides that, 'the actual Naturalizing, which is the only Point, 'that is in your Hands, is already granted to by 'yourſelves to the moſt Part of ſuch particular 'Perſons, as can have any Uſe of it here; and if 'any other well-deſerving Men were to ſue for it 'hereafter, I doubt not, but there would never be 'Queſtion moved among you, for the granting of 'it. And therefore it is moſt evident, that ſuch 'Diſcourſers have *Mel in Ore*, *Fel in Corde*, as I 'ſaid before; carrying an outward Appearance of 'Love to the Union, but indeed a contrary Reſo- 'lution in their Hearts. And as for Limitations, 'and Reſpectations, ſuch as ſhall by me be agreed 'upon to be reaſonable and neceſſary, after you 'have fully debated upon them; you may aſſure 'yourſelves, I will with Indifferency grant what 'is requiſite, without partial Reſpect of *Scotland*. 'I am, as I have often ſaid, born, and ſworn, 'King over both Kingdoms: Only thus far let 'me intreat you, in debating the Point at your 'next Meeting, that ye be as ready to reſolve 'Doubts, as to move them, and to be ſatisfied, 'when Doubts are cleared.'

'And as for Commodities, that come by the 'Union of theſe Kingdoms, they are great and 'evident; Peace, Plenty, Love, free Intercourſe, 'and common Society of two great Nations. All 'foreign Kings, that have ſent their Ambaſſadors 'to congratulate with me, ſince my Coming, have 'ſaluted me, as Monarch of the whole Iſle, and 'with much more Reſpect of my Greatneſs, than 'if I were King alone of one of theſe Realms: 'And with what Comfort do yourſelves behold, '*Iriſh*, *Scottiſh*, *Welch*, and *Engliſh*, divers in Na- 'tion, yet all walking as Subjects and Servants 'within my Court, and all living under the Al- 'legiance of your King; beſides the Honour and

'Luſtre,

'Luſtre, that the Increaſe of gallant Men in the 'Court, of divers Nations, carries in the Eyes of 'all Strangers, that repair hither? Thoſe confin- 'ing Places, which [were] the Borders of the 'two Kingdoms; where heretofore much Blood 'was ſhed, and many of your Anceſtors loſt their 'Lives; yea, that lay waſte and deſolate, and 'were Habitations but for Runagates, are now 'become the Navel or Umbilick of both King- 'doms, planted and peopled with Civility and 'Riches: Their Churches begin to be planted; 'their Doors ſtand now open; they fear neither 'robbing nor ſpoiling; and where there was no- 'thing before heard, nor ſeen, in thoſe Parts, but 'Bloodſhed, Oppreſſions, Complaints, and Out- 'cries, they now live every Man peaceably under 'his own Fig-tree; and all their former Cries and 'Complaints turned only into Prayers to God for 'their King, under whom they enjoy ſuch Eaſe 'and happy Quietneſs. The Marches beyond, 'and on this Side *Tweed*, are as fruitful, and as 'peaceable as moſt Parts of *England*. If, after 'all this, there ſhall be a Sciſſure, what Inconve- 'nience will follow, judge you.' An. 5 James I. 1607.

'And as for the Inconveniences, that are feared 'on *England's* Part, it is alledged, that the *Scots* 'are a populous Nation; they ſhall be harboured 'in our Neſt; they ſhall be planted and flouriſh 'in our good Soil; they ſhall eat our Commons 'bare, and make us lean. Theſe are fooliſh and 'idle Surmiſes. That, which you poſſeſs, they 'are not to enjoy; by Law they cannot, nor by 'my Partiality they ſhall not: For, ſet apart 'Conſcience and Honour (which if I ſhould ſet 'apart indeed, I had rather wiſh myſelf to be ſet 'apart, and out of all Being) can any Man con- 'clude, either out of common Reaſon, or good 'Policy, that I will prefer thoſe, which perhaps 'I ſhall never ſee, or but by Poſt, for a Month, 'before thoſe, with whom I muſt always dwell? 'Can they conquer or overcome you with Swarms 'of People, as the *Goths* and the *Vandals* did

An. 5 James I. 1607.

'*Italy?* Surely the World knows, they are nothing ſo populous as you are; and although they 'have had the Honour, and good Fortune, never 'to be conquered; yet were they ever but upon 'the defenſive Part, and may, in a Part, thank 'their Hills and inacceſſible Paſſages, that preſerv-'ed them from an utter Overthrow, at the Hands 'of all, that pretended to conquer them. Or are 'they ſo very poor and miſerable in their own 'Habitations, that Neceſſity ſhould force them 'all to make Incurſions among you? And for 'my Part, when I have two Nations under my 'Government, can you imagine, I will reſpect 'the leſſer, and neglect the greater? Would I 'not think it a leſs Evil and Hazard to me, that 'the Plague were at *Northampton*, or *Berwick*, 'than at *London*, ſo near *Weſtminſter*, the Seat of 'my Habitation, and of my Wife and Children? 'Will not a Man be more careful to quench the 'Fire taken in his neareſt Neighbour's Houſe, 'than if a whole Town were a-fire far from him? 'You know, that I am careful to preſerve the 'Woods, and Game, through all *England*, nay, 'through all the Iſle; yet none of you doubts, 'but that I would be more offended with any 'Diſorder in the Foreſt of *Waltham*, for ſtealing 'of a Stag there, which lieth, as it were, under 'my Noſe, and in a Manner joineth with my 'Garden, than with cutting of Timber, or ſteal-'ing of a Deer, in any Foreſt of the North Parts 'of *Yorkſhire*, or the *Biſhoprick*. Think you, 'that I will prefer them, that be abſent, leſs 'powerful, and farther off to do me Good, or 'Hurt, before you, with whom my Security and 'Living muſt be, and where I deſire to plant my 'Poſterity? If I might, by any ſuch Favours, 'raiſe myſelf to a Greatneſs, it might be probable: 'All I cannot draw; and to loſe a whole State 'here, to pleaſe a few there, were Madneſs. I 'need ſpeak no more of this with Proteſtations: 'Speak but of a Wit, it is not likely; and to 'doubt

'doubt of my Intention in this, were more than devilish.' An. 5 James I. 1607.

'For mine own Part, I offer more, than I receive; and Conveniency I prefer before Law, 'in this Point. For three Parts, wherein I might 'hurt this Nation, by Partiality to the *Scots*, you 'know, do absolutely lie in my Hands and Power: 'For either in Disposition of Rents, or whatsoever Benefit, or in the Preferring of them to any 'Dignity or Office, civil or ecclesiastical, or in 'calling them to the Parliament; it doth all fully 'and only lie within the Compass of my Prerogative; which are the Parts, wherein the *Scottishmen* can receive either Benefit, or Preferment, 'by the Union; and wherein, for the Care I have 'of this People, I am content to bind myself with 'some reasonable Restrictions.'

'As for the fourth Part, the Naturalizing, 'which only lieth in your Hands; it is the Point, 'wherein they receive least Benefit of any: For 'in that they can obtain nothing, but what they 'buy by their Purse, or acquire by the self-same 'Means, that you do. And as for the Point of 'Naturalizing, which is the Point thought so fit, 'and so precisely belonging to Parliament; not 'to speak of the Common Law, wherein as yet, 'I can profess no great Knowledge; but in the 'Civil Law, wherein I am a little better versed, 'and which, in the Point of Conjunction of Nations, should bear a great Sway, it being the Law 'of Nations, I will maintain two Principles in it, 'which no learned and grave Civilian will deny; 'as being clearly to be proved, both out of the 'Text itself, in many Places, and also out of the 'best approved Doctors and Interpreters of that 'Law: The one, that it is a special Point of the 'King's own Prerogative, to make Aliens Citizens, and *donare Civitate*: The other, that in 'any Case, wherein the Law is thought not to 'be cleared (as some of yourselves do doubt, that, 'in this Case of the *Post-nati*, the Law of *England* doth not clearly determine) then in such a

An. 5 James I. 1607. ‘ Question, wherein no positive Law is resolute, ‘ *Rex est Judex*; for he is *Lex loquens*, and is to ‘ supply the Law, where the Law wants: And if ‘ many famous Histories be to be believed, they ‘ give the Example, for maintaining of this Law, ‘ in the Persons of the Kings of *England* and ‘ *France* especially, whose special Prerogative they ‘ alledge it to be. But this I speak only, as know- ‘ ing what belongeth to a King; although in this ‘ Case I press no further, than that, which may ‘ agree with your Loves, and stand with the Weal ‘ and Conveniency of both Nations.’

‘ And whereas some may think, this Union ‘ will bring Prejudice to some Towns and Corpora- ‘ tions within *England*; it may be, a Merchant or ‘ two of *Bristol*, or *Yarmouth*, may have an hun- ‘ dred Pounds less in his Pack; but if the Empire ‘ gain, and become the greater, it is no Matter. ‘ You see one Corporation is ever against another; ‘ and no private Company can be set up, but with ‘ some Loss to another.’

‘ Fourth: For the supposed Inconveniences ris- ‘ ing from *Scotland*, they are three: First, that ‘ there is an evil Affection in the *Scottish* Nation ‘ to the Union: Next, the Union is incompatible ‘ between two such Nations: Thirdly, that the ‘ Gain is small, or none: If this be so, to what ‘ End do we talk of an Union?’

‘ For Proof of the first Point, there is alledged ‘ an Averseness in the *Scottish* Nation, expressed in ‘ the Instrument, both in the Preface and Body of ‘ their Act: In the Preface, where they declare, ‘ that they will remain an absolute and free Mon- ‘ archy; and in the Body of the Act, where ‘ they make an Exception of the ancient funda- ‘ mental Laws of that Kingdom.’

‘ And first, for the General, of their Averse- ‘ ness. All the main Current in your Lower ‘ House ran this whole Session of Parliament with ‘ that Opinion, that *Scotland* was so greedy of this ‘ Union, and apprehended, that they should re- ‘ ceive so much Benefit by it, as they cared not

‘ for

'for the Strictneſs of any Conditions, ſo they An. 5 James I. 1607.
'might attain to the Subſtance; and yet you now
'ſay, they are backwards, and averſe from the
'Union. This is a direct Contradiction *in ad-*
'*jecto:* For how can they both be Beggars and
'backwards, in one and the ſelf-ſame Thing, at
'the ſame Time?

'But, for Anſwer to the Particulars, it is an
'old School Point, *Ejus eſt explicare, cujus eſt con-*
'*dere:* You cannot interpret their Laws, nor they
'yours: I, that made them, with their Aſſent,
'can beſt expound them.'

'And firſt, I confeſs, that the *Engliſh* Parlia-
'ments are ſo long, and the *Scottiſh* ſo ſhort, that
'a Mean between them would do well: For the
'Shortneſs of their continuing together was the
'Cauſe of their haſty Miſtaking, by ſetting theſe
'Words, of Exception of fundamental Laws, in
'the Body of the Act; which they only did, in
'preſſing to imitate, Word by Word, the *Engliſh*
'Inſtrument, wherein the ſame Words be con-
'tained in your Preface. And as to their Mean-
'ing and Interpretation of that Word; I will not
'only deliver it unto you, out of mine own Con-
'ceit, but as it was delivered unto me by the
'Lawyers of *Scotland*, both Counſellors, and other
'Lawyers, who were at the making thereof in
'*Scotland*, and were Commiſſioners here for Per-
'formance of the ſame.'

'Their Meaning in the Word, of fundamental
'Laws, you ſhall perceive more fully hereafter,
'when I handle the Objection of the Difference
'of Laws; for they intend thereby only thoſe
'Laws, whereby Confuſion is avoided, and their
'Kings Deſcent maintained, and the Heritage of
'the Succeſſion and Monarchy, which hath been
'a Kingdom, to which I am deſcent, three hundred
'Years before *Chriſt*; not meaning it, as you do,
'of their Common Law; for they have none, but
'that, which is called *Jus Regis:* And their Deſire
'of continuing a free Monarchy, was only meant,
'that all ſuch particular Privileges (whereof I

An. 5 James I. 1607. ‘ſpake before) ſhould not be ſo confounded, as, ‘for want either of Magiſtrate, Law, or Order, ‘they might fall into ſuch a Confuſion, as to be‘come like a naked Province, without Law or ‘Liberty, under this Kingdom. I hope you mean ‘not, I ſhould ſet Garriſons over them, as the ‘*Spaniards* do over *Sicily* and *Naples*; or govern ‘them by Commiſſioners, which are ſeldom found ‘ſucceedingly all wiſe and honeſt Men. This I ‘muſt ſay for *Scotland*, and I may truly vaunt it; ‘here I ſit, and govern it with my Pen; I write, ‘and it is done; and by a Clerk of the Council I ‘govern *Scotland* now, which others could not do ‘by the Sword. And for their Averſeneſs in their ‘Hearts againſt the Union; it is true indeed, I ‘proteſt, they did never crave this Union of me, ‘nor ſought it, either in private, or the State by ‘Letters, nor ever once did any of that Nation ‘preſs me forward, or wiſh me to accelerate that ‘Buſineſs; but on the other Part, they offered al‘ways to obey me, when it ſhould come to them; ‘and all honeſt Men, that deſire my Greatneſs, ‘have been thus minded, for the perſonal Reve‘rence and Regard they bear unto my Perſon, and ‘any of my reaſonable and juſt Deſires. I know ‘there are many Bigotts amongſt them, I mean a ‘Number of ſeditious and diſcontented particular ‘Perſons, as muſt be in all Commonwealths, that ‘where they dare, may peradventure talk lewdly ‘enough; but no *Scottiſhman* ever ſpake diſhon‘ourable of *England* in Parliament. For here ‘muſt I note unto you the Difference of the two ‘Parliaments in theſe two Kingdoms: For there ‘they muſt not ſpeak, without the Chancellor's ‘Leave; and if any Man do propound or utter ‘any ſeditious or uncomely Speeches, he is ſtraight ‘interrupted and ſilenced by the Chancellor's Au‘thority; whereas here, the Liberty for any Man ‘to ſpeak what he liſt, and as long as he liſt, was ‘the only Cauſe he was not interrupted.’

‘It hath been objected, that there is an Anti‘pathy of the Laws and Cuſtoms of theſe two

‘Nations,

'Nations. It is much miſtaken; for *Scotland* hath An. 5 James I. 1607.
'no Common Law, as here; but the Law they
'have, is of three Sorts:

'All the Law of *Scotland* for Tenures, Wards
'and Liveries, Signiories, and Lands, are drawn
'out of the Chancery of *England*; and for Mat-
'ters of Equity, and in many Things elſe, differs
'from you, but in certain Terms. *James* the
'firſt, bred here in *England*, brought the Laws
'thither, in a written Hand.'

'The Second is Statute Laws, which be their
'Acts of Parliament; wherein they have Power,
'as you, to make and alter Laws; and thoſe may
'be looked into by you; for I hope you ſhall be
'no more Strangers to that Nation: And the prin-
'cipal Work of this Union will be to reconcile the
'Statute Laws of both Kingdoms.'

'The Third is the Civil Law. *James* the
'fifth brought it out of *France*, by eſtabliſhing
'the Seſſions there, according to the Form of the
'Court of Parliament of *France*, which he had
'ſeen in the Time of his being there; who oc-
'cupy there the Place of Civil Judges, in all Mat-
'ters of Plea or Controverſy; yet not to govern
'abſolutely by the Civil Law, as in *France*. For
'if a Man plead, that the Law of the Nation is
'otherwiſe, it is a Bar to the Civil; and a good
'Chancellor, or Preſident, will often-times repel,
'and put to Silence, an Argument, that the
'Lawyers bring out of the Civil Law, where they
'have a clear Solution in their own Law: So as
'the Civil Law, in *Scotland*, is admitted in no
'other Caſes, but to ſupply ſuch Caſes, wherein
'the Municipal Law is defective. Then may
'you ſee, it is not ſo hard a Matter, as is thought,
'to reduce that Country to be united with you un-
'der this Law; nor yet have they any old Common
'Law of their own, but ſuch as, in Effect, is
'borrowed from yours. And for their Statute
'Laws in Parliament; you may alter and change
'them, as oft as Occaſion ſhall require, as you
'do here.'

'It

An. 5 James I. 1607.

'It hath likewiſe been objected, as another Impediment, that, in the Parliament of *Scotland*, the King hath not a Negative Voice, but muſt paſs all the Laws agreed on by the Lords and Commons.'

'Of this I can beſt reſolve you; for I am the eldeſt Parliament Man in *Scotland*, and have ſat in more Parliaments, than any of my Predeceſſors. I can aſſure you, that the Form of Parliament there is nothing inclined to Popularity. About a twenty Days, or ſuch a Time, before the Parliament, Proclamation is made throughout the Kingdom, to deliver in to the King's Clerk of Regiſter (whom you here call the Maſter of the Rolls) all Bills to be exhibited that Seſſion, before a certain Day. Then are they brought unto the King, and peruſed, and conſidered by him; and only ſuch, as I allow of, are put into the Chancellor's Hands, to be propounded to the Parliament, and none others: And if any Man in Parliament ſpeak of any other Matter, than is in this Form firſt allowed by me; the Chancellor tells him, there is no ſuch Bill allowed by the King.'

'Beſides, when they have paſſed them for Laws, they are preſented unto me, and, with my Scepter, put into my Hand by the Chancellor, I muſt ſay, I ratify and approve all Things done in this preſent Parliament: And if there be any Thing, that I diſlike, they raſe it out before. If this may be called a Negative Voice, than I have one, I am ſure, in that Parliament.'

'The laſt Impediment is the *French* Liberties; which are thought ſo great, as, except the *Scots* forſake *France*, *England* cannot be united to them.'

'If the *Scottiſh* Nation would be ſo unwilling to leave them, as is ſaid, it would not lie in their Hands; for the League was never made between the People, as is miſtaken, but betwixt the Princes only, and their Crowns. The Beginning was by a Meſſage from a King of *France*

'(*Ch*

‘ (*Charlemagne*, I take it; but I cannot certainly remember) unto a King of *Scotland*, for a League ‘ Defenſive and Offenſive, between us and them, ‘ againſt *England*; *France* being at that Time in ‘ Wars with *England*. The like, at that Time, ‘ was then deſired by *England* againſt *France*; ‘ who alſo ſent their Ambaſſadors to *Scotland*.---- ‘ At the firſt, the Diſputation was long maintained in Favour of *England*; that they being our ‘ neareſt Neighbours, joined in one Continent, ‘ and a ſtrong and powerful Nation, it was more ‘ fit, for the Weal and Security of the State of ‘ *Scotland*, to be in League and Amity with them, ‘ than with a Country, though never ſo ſtrong, ‘ yet divided by Sea from us; eſpecially *England* ‘ lying betwixt us and them, where we might be ‘ ſure of a ſudden Miſchief, but behoved to abide ‘ the Hazard of Wind and Weather, and other ‘ Accidents, that might hinder our Relief. But ‘ after, when the contrary Part of the Argument ‘ was maintained; wherein Allegation was made, ‘ that *England* ever ſought to conquer *Scotland*, ‘ and therefore, in regard of their pretended Intereſt ‘ in the Kingdom, would never keep any ſound ‘ Amity with them, longer than they ſaw their ‘ Advantage; whereas *France*, lying more remote, and claiming no Intereſt in the Kingdom, ‘ would therefore be found a more conſtant Friend; ‘ it was unhappily concluded in Favour of the laſt ‘ Party; through which Occaſion, *Scotland* got ‘ many Miſchiefs after. And it is, by the very ‘ Tenor thereof, ordered to be renewed and confirmed, from King to King, ſucceſſively; which ‘ accordingly was ever performed by the Mediation of their Ambaſſadors, and therefore merely ‘ perſonal; and ſo was it renewed in the Queen ‘ my Mother's Time, only between the two ‘ Kings, and not by Aſſent of Parliament, or Convention of three Eſtates, which it could never ‘ have wanted, if it had been a League between ‘ the People. And in my Time, when it came ‘ to be ratified, becauſe it appeared to be *in odium* ‘ *tertii*, An. 5 James I. 1607.

An. 5 James I. 1607.

tertii, it was by me left unrenewed or confirmed, ‘ as a Thing incompatible to my Perſon, in Conſideration of my Title to this Crown. Some ‘ Privileges indeed, in the Merchants Favour, ‘ for Point of Commerce, were renewed and confirmed in my Time; wherein, for my Part of it, ‘ there was ſcarce three Counſellors more than my ‘ Secretary, to whoſe Place it belonged, that meddled in that Matter. It is true, that it behooved ‘ to be enterined (as they call it) in the Court of ‘ of Parliament of *Paris*; but that only ſerves for ‘ Publication, and not to give it Authority; that ‘ Parliament, as you know, being but a judicial ‘ Seat of Judges and Lawyers, and nothing agreeing with the Definition or Office of our Parliaments in this Iſle. And therefore, that any ‘ Fruits or Privileges, poſſeſſed by the League with ‘ *France*, is able now to remain in *Scotland*, is impoſſible; for ye may be ſure, that the *French* ‘ King ſtays only upon the Sight of the Ending of ‘ this Union, to cut it off himſelf: Otherwiſe, ‘ when this great Work were at an End, I would ‘ be forced, for the general Care I owe to all my ‘ Subjects, to crave of *France* like Privileges to ‘ them all, as *Scotland* already enjoys; ſeeing the ‘ perſonal Friendſhip remains as great between us, ‘ as between our Progenitors, and all my Subjects ‘ muſt be alike dear unto me; which either he will ‘ never grant, and ſo all will fall to the Ground; ‘ or elſe it will turn to the Benefit of the whole ‘ Iſland: And ſo the *Scottiſh* Privileges cannot hold ‘ longer, than my League with *France* laſteth.’

‘ And for another Argument, to prove, that ‘ this League is only between the Kings, and not ‘ between the People; they, which have Penſions, ‘ or are privy Intelligence-givers in *France*, without my Leave, are in no better Caſe by the Law ‘ of *Scotland*, than though Penſioners to *Spain*.’

‘ As for the *Scottiſh* Guard in *France*, the Beginning thereof was, when an Earl of *Boghan* (*b*) ‘ was

(*b*) *Sic Orig.* —— *Quære* Buchan.

'was sent in Aid of the *French*, with ten thousand Men; and there being made Constable, and having obtained a Victory, was murthered, with the most of the *Scottish* Army. In Recompence whereof, and for a future Security to the *Scottish* Nation, the *Scottish* Guard was ordained to have the Privileges and Prerogative, before all other Guards, in guarding the King's Person.' An. 5 James I. 1607.

'And as for the last Point of this Subdivision, concerning the Gain, that *England* may make by this Union; I think no wise, nor honest Man will ask any such Question. For who is so ignorant, that doth not know, the Gain will be great? Do you not gain by the Union of *Wales?* And is not *Scotland* greater than *Wales?* Shall not your Dominions be increased, or Lands, Seas, and Persons, added to your Greatness? And are not your Lands and Seas adjoining? For who can set down the Limits of the Borders, but as a mathematical Line or Idea? Then will that Back-door be shut, and those Ports of *Janus* be for ever closed: You shall have those, that were your Enemies to molest you, a sure Back to defend you; their Bodies shall be your Aids, and they must be Partners in all your Quarrels. Two Snow-balls put together, make one the greater; two Houses joined, make one the larger; two Castle-walls, made in one, makes one as thick and strong as both. And do you not see, in the Low Countries, how available the *English* and the *Scottish* are, being joined together? This is a Point so plain, as no Man, that hath Wit or Honesty, but must acknowledge it feelingly.'

'And where it is objected, that the *Scottishmen* are not tied to the Service of the King in the Wars, above forty Days; it is an ignorant Mistaking: For the Truth is, that, in respect the Kings of *Scotland* did not so abound in Treasure and Money, to take up an Army under Pay, as the Kings of *England* did; therefore was the *Scottish* Army wont to be raised only by Proclamation, upon the Penalty of their Breach of Allegiance; so

'as

An. 5 James I. 1607. ‘as they were all forced to come to the War, ‘like Snails, who carry their Houſe about with ‘them; every Nobleman and Gentleman, bring- ‘ing with them their Tents, Money, Proviſion ‘for their Houſe, Victuals of all Sorts, and all ‘other Neceſſaries, the King ſupplying them of ‘nothing: Neceſſity thereupon enforcing a Warn- ‘ing to be given, by the Proclamation, of the ‘Space of their Attendance, without which, they ‘could not make their Proviſion accordingly; ‘eſpecially as long as they were within the Bounds ‘of *Scotland*, where it was not lawful for them to ‘help themſelves by the Spoil or Waſting the Coun- ‘try. But neither is there any Law, preſcribing ‘preciſely ſuch a certain Number of Days; nor ‘yet is it without the Limits of the King's Pow- ‘er, to keep them together as many more Days ‘as he liſt; to renew his Proclamations, from ‘Time to Time, ſome reaſonable Number of ‘Days before the Expiring of the former; they ‘being ever bound to ſerve and wait upon him, ‘though it were an hundredth Year, if need ‘were.’

‘Now, to conclude; I am glad of this Oc- ‘caſion, that I might *Liberare Animam meam*. ‘You are now to recede: When you meet again, ‘remember, I pray you, the Truth and Sincerity ‘of my Meaning; which, in ſeeking Union, is ‘only to advance the Greatneſs of your Empire ‘ſeated here in *England*; and yet with ſuch Cau- ‘tion I wiſh it, as may ſtand with the Weal of ‘both States. What is now deſired, hath oft be- ‘fore been ſought, when it could not be obtained; ‘to refuſe it now then, were double Iniquity. ‘Strengthen your own Felicity. *London* muſt be ‘the Seat of your King, and *Scotland* joined to ‘this Kingdom by a golden Conqueſt, but cement- ‘ed with Love, as I ſaid before; which, within, ‘will make you ſtrong againſt all civil and inteſ- ‘tine Rebellion; as, without, we will be com- ‘paſſed and guarded with our Walls of Braſs. ‘Judge me charitably, ſince in this I ſeek your

‘equal

'equal Good; that ſo both of you might be 'made fearful to your Enemies, powerful in your-'ſelves, and available to your Friends. Study 'therefore, hereafter, to make a good Concluſion; 'avoid all Delays; cut off all vain Queſtions; 'that your King may have his lawful Deſire, 'and be not diſgraced in his juſt Ends; and, for 'your Security in ſuch reaſonable Points of Re-'ſtrictions, whereupon I am to agree, ye need 'never doubt of my Inclination: For I will not 'ſay any Thing, which I will not promiſe; nor 'promiſe any Thing, which I will not ſwear; 'what I ſwear, I will ſign; and what I ſign, I 'ſhall, with God's Grace, ever perform.' An. 5 James I. 1607.

When the Commons were returned to their Houſe, the Speaker ſignified his Majeſty's Pleaſure that they ſhould adjourn to the 20th of *April*, on account of the *Eaſter*-Holidays. The Parliament adjourned.

During this Intermiſſion, the King's laſt Speech had been miſrepreſented by ſome of the Hearers, which obliged him to ſend for both the Houſes again, on the 2d of *May*, to clear up thoſe Points to them which admitted of a double Meaning. Accordingly, the King delivered himſelf in theſe Words: They meet again; and the King explains ſome Doubts in his former Speech.

My Lords, and you Gentlemen of the Lower Houſe of Parliament:

'IT is the chiefeſt Comfort of the Sower, to 'ſow his Seed in good Ground, where there 'is Hope, it may yield Fruit. Since I laſt ſpake 'unto you, I have heard, by common Report, 'with what Applauſe and good Liking my Speech 'hath been received, and digeſted: I hope you 'continue in the ſame Liking ſtill; and I wiſh, 'my Hope may not be deceived; that my Seed 'hath not fallen into ſtony, or ſandy Hearts; 'whereby what I ſpake may be miſtaken, and 'prove barren, by pre-conceived Opinions; the 'Growth be choaked, forgotten, or carried away 'by the Fowls of the Air, or perverted contrary

'to

An. 5 James I. 1607. to my Meaning. For my Part, I can find no Symptoms or Signs in the Lower House, by which I may misjudge them, but that they will proceed in the same Course of particular Preparation, that they began in: As for the Upper House, there hath been no Word spoken of the Matter since your last Meeting. I come not now therefore to persuade that, which is already begun (having no Doubt in either of your Inclinations) but to facilitate, and make the Way fair for your going on. I shall do but the Part of a good Gardener, to prune, and dress, and take away the Weeds and Brambles, that may hinder the springing and budding of this good Plant. And because there are, and may be, divers Explications and Expositions of my Speech, I was desirous to explain myself unto you; for (as I said in my former Speech) *eius est explicare, cujus est condere.* I have not hindered (c) any Speech; for it is not my Manner, neither have I Time to do it; only, for Order-sake, I will contain all I have to say, under three Heads; *viz.*

'I. To interpret mine own Meaning in my former Speech.'

'II. * * * * * * *

'III. To endeavour to set before you some Course of Proceeding hereafter.'

'I. Upon my Speech some have builded Gold and Silver; some, Hay and Stubble: I must be as a Fire to consume and burn up the Hay and Stubble, and to sift out and preserve the Gold and Silver. I understand, that some have interpreted my Words, as expressing a Desire and Proposition of a perfect Union. I have not studied (as I said) to give a full Answer to such Interpreters; but I know you can put a Difference between wise Men and Fools: Fools handle Things either with Subtility, or Ignorance; wise Men, with Substance, and solid Argument.'

'I pro-

(c) *Sic Orig.*

'I propounded ever, and so I crave at your Hands an absolute and full Union, but not a perfect Union; such an Union, as must have that Preparation, which is made: And, because I spake of an absolute Union, to say, or think, I wished nothing in the mean Time, were absurd. But it is most true, I ever wished such an Union, as there might be *unus Rex, unus Grex, una Lex.* These Men, that thus interpret, mark them well; and you shall find, that they propound, and pray for that, they would most shun: *Probate Spiritus* (g); and see, if they give you not gilded Pills; whether they have not *Mel in Ore, Fel in Corde.*' An. 5 James I. 1607.

'Something must be done, you all confess; the Devil himself cannot deny it: Then what Preparation can you have, or wish, other than hath been? This is but as if a Surgeon should let Blood on the contrary Side, to let out the ill Humour.'

'You would have a Commission, to prepare for this your perfect Union, when yourselves have, in the Beginning, propounded it, have enacted it, that Commissioners of both Nations should meet and treat; and these Commissioners, of your own Choice, for your Part, being met, have deliberately propounded, have maturely digested, and have advisedly brought forth something in that Form, whereupon it is fit you should proceed, and now, forsooth, you would have a Commission. I will never grant a Commission: It shall never have my Consent, or Allowance.'

'I remember a Speech in *Hen.* VIII. Time, in the Parliament House: The King propounded something, which came into the House; one in the House said, That he thought the King's Meaning was good, so as it were according to Law: I pray (my Masters) that I may hear no more of such foolish Diversions, and Aversions.'

(g) Spiritu in Orig.

An. 5 James I. 1607.

'It is merely idle and frivolous, to conceive, 'that any unperfect Union is desired, or can be 'granted: It is no more unperfect, as now it is 'projected, than a Child, that is born without a 'Beard. It is already a perfect Union in me, the 'Head. If you wanted a Head, that is me, your 'King over you all; or if you were of your-'selves no Body; then you had Reason to say, it 'were unperfect; but it is now perfect in my 'Title and Descent, though it be not an accom-'plisht and full Union; for that Time must ripen 'and work.'

'When a Child is in the Mother's Womb, 'though it hath all the Lineaments and Parts of a 'Body, yet it is but an Embryo, and no Child; 'and shall be born in his due Time: When it is 'born, though it then be a perfect Child, yet it is 'no Man; it must gather Strength and Perfection 'by Time: Even so it is in this Case of Union. 'The Union is perfect in me; that is, it is an 'Union in my Blood and Title; yet but *in Em-'bryone* perfect. Upon the late Queen's Death, 'the Child was first brought to Light; but to 'make it a perfect Man, to bring it to an accom-'plisht Union, it must have Time and Means; 'and if it be not at the first, blame not me; 'blame Time; blame the Order of Nature.'

'I remember, at the Beginning, when I first crav-'ed an Union, my Desire was to have a perfect 'Union: Then this whole Body drew back; said, 'It could not be dispatched at once; it were fit 'it were entered into by little and little; devised 'all Restrictions they could, to tie it within 'Bounds; produced sundry Precedents of the like; 'as * * * * * *; and when I would have had a 'more full and liberal Commission, you bounded 'it yourselves.'

'But how would you have a perfect Union, 'but by this Preparation? By Bills, by Com-'mittee, by Argument: And yet, I say (using 'our Saviour's Words) *Hoc facite, aliud non omit-'tite.* Marry! I would not have you think on

'that

'that to be done To-day, that is to be done To-morrow.' An. 5 James I. 1607.

'II. The second Part of my Division is, to answer Objections.'

'1. One Objection is, What Gain shall we have by it?

'I thought, I had expressed it sufficiently before. But do they ask, What Gain? Is it not Gain, to add a Nation to this; to make it one great and glorious Empire; to have that People to join their Arms and Strength with you upon all Occasions; to make of half a Land one intire; to add to the Splendor of the King's Court; to turn Curses into Blessings; to turn Blood and Rapine into Peace and Plenty; remembering always, that you have the Blessing of the Seat here, and that this is the Center? But I confess it is good to be sometimes far from the Prince's Court: *Procul a Numine, procul a Fulmine.* But whether that be so here, or no, I appeal to be judged by the Children above six Years old in *London:* I desire, that the Commissioners for these Parts would speak as they find: I desire no other Witnesses, than those, that best know. But if you find, that my Residence here doth Harm, I will make two Offers: One, I will keep my Seat *alternatim*, in the several Countries; I will stay one Year in *Scotland*, and another here, as some other Kings do, that have several Kingdoms: The other is, I will keep my Court nearer *Scotland*, at *York*; at some Place thereabouts, so as you and *Scotland* shall be both alike *procul a Fulmine:* And I protest, I will do either of these, if you think it for your Good; and if I shall not see this Union likely to go forward, I will do it howsoever. Observe then the wandering Objections of these Men; consider of the Substance of these Speeches, whether they offer you not gilded Pills. I fear me, they would neither be found wise, nor honest, if they be examined and ripped up: For if you mark it, they are no-

An. 5 James I. 1607. 'thing but Iterations of my Speeches, which I 'would be ſorry to hear retorted againſt me.'

'2. *Obj.* The ſecond Objection: There can be 'no Security for ſuch Cautions, as ſhall be agreed 'on. To this I cannot tell what to anſwer; 'becauſe neither I am well verſed nor ſkilled in 'your Common-Law, nor you will give Credit 'to the Judges in that, which they can ſay in 'this Point. But I will bring it to this Dilem-'ma; either I can give Security, or I cannot: 'If I can, why do you not yourſelves enter into 'Conſideration of it, and accept it? If I can-'not, then muſt you leave all to me, after the 'Parliament, to do what I will; and if any 'Thing light upon you, other than you looked 'for, you muſt take, and bear that, which your 'own Folly hath brought you unto, becauſe you 'did not prevent it in Time, when it was in your 'Hands.'

'3. *Obj.* We muſt yield them now but a little, 'becauſe we muſt keep them in Appetite: For, 'you ſay, *Turpius ejicitur, quam non admittitur 'Hoſpes.*'

'*Anſwer.* We are not now making Marriages 'with *Spain*; this is no new Contract or Bargain, 'that requires preciſe Conditions. *Res non eſt in-'tegra.* The Union and Bargain is already made; 'nothing now to be thought on, or dealt in, but 'the Means. It is an idle Thing now to talk of 'Appetite. It is true, that the Lords commend-'ed a perfect Union; but I am ſure they ever had 'Relation to the Inſtrument, and to the Courſe 'that was taken, for proceeding by the Degrees 'therein propounded; neither did I ever hear, 'before now, of any Man, that meant other, 'than this Proceeding upon the firſt Inſtrument.'

'Now ſhall I come to ſome other Objections, 'more paſſionate and violent, but more idle, and 'of leſs Weight than the reſt. It is affirmed, 'that the Taking away of hoſtile Laws is a 'Donative, a great Grace and Favour; where

'it

'it is known, as now they ſtand, they do preſs yourſelves, as well as them of *Scotland*; though, by the Union that is already made, they loſe their Force and Vigour. It is true, that it is fitteſt to take them away by Parliament, becauſe they were eſtabliſhed by Parliament; but all that can be ſaid, is no more, than as if you ſhould ſay, it is fit to take hoſtile Laws away, becauſe they are taken away.' An. 5 James I. 1607.

'It is ſaid alſo, that if you deal by Bills, they are like to have a cold Effect; prejudging the good Diſpoſition of the whole Houſe. I am ſorry to hear of ſuch Speeches, againſt Duty, almoſt againſt Allegiance. I know not their Meaning, except they delight to ſing with the Owl upon the Buſh, *&c.* It is a ſtrange and ominous Prophecy, for which I know no Anſwer, but that I ſhall pray, that ſuch Swallows bring but one Summer with them. It is no Marvel, if Men of that Coat have neither Hopes nor Fears from me; and fear I ſhall be well adviſed, what I do with them. I looked for no ſuch Fruits at your Hands; ſuch perſonal Diſcourſes, and Speeches; which, of all other, I looked you ſhould avoid, as not beſeeming the Gravity of your Aſſembly. I am your King: I am placed to govern you, and ſhall anſwer for your Errors: I am a Man of Fleſh and Blood, and have my Paſſions and Affections, as other Men: I pray you, do not too far move me to do that, which my Power may tempt me unto.'

'Now for the Courſe I would have you hold, the third Part of my Diviſion; let it be my Advice, that you do all Things with Reverence; with Love; that it may ſeem, you have Duty, Reſpect, and Care to pleaſe him, that will, by all his beſt Endeavours, ſeek to give you Contentment. That Speech of "Love me little, "and love me long," was a damned Speech; for Love and Affection muſt be ardent, ſettled upon good Grounds, not removable. Men die, Men

An. 5 James I. 1607.

'grow cold; but daily increase, especially in Brethren, in two Dugs of one Breast, in Children towards their Parents.'

'I would wish you to proceed with Order, and with Diligence, and above all, with Love to your Sovereign: I say, with the more Diligence; because now the Sickness increasing, the Heat of the Year, yea, your own Hay-harvest, do persuade you to make haste into the Country. Make no more Doubts, than is needful; wherever a Thing is made doubtful, there nothing will ever come to Perfection. If any Doubts do arise, make me acquainted with them; pour them into my Bosom; I will strive to give you Satisfaction: If I cannot answer, or satisfy them, let the Blame rest upon me. And, to conclude, I desire, that your Travels may be such, as you may procure Strangers to reverence us, our Enemies to fear us, our Friends to be glad, our Subjects to rejoice with you and me; that the World may see, there is an Union still in working and proceeding: That you beware of all fanatical Spirits, all extraordinary, and colourable Speeches; that there be no Distractions, nor Distempers, among you; that you breed not Contempt to the great Work so well begun, and Discouragement to others, that wish well; that you tempt not the Patience of your Prince; and finally, that, with all Speed, you proceed with as much as can be done at this Time, and make not all you have done, frustrate.'

Acts passed.

By what hath been given of this Affair, both in the former Proceedings of the Lords, and the later Account of the Debate in the House of Commons, it may well seem that the whole Time of this Session was taken up in the Business of *Union*. But there were also some salutary Laws enacted, besides, the Act *for abolishing all Hostilities*, &c. before mentioned. Our Statute-Books only give us thirteen; whereas the Catalogue, in the Lords' *Journals*, mention the Titles of above sixty, publick

lick and private Bills, which were brought into both Houſes this Seſſion; half of which, at leaſt, we may well ſuppoſe, were paſſed into Laws.—— Having been already ſo particular in our Account of the *Union*, we ſhall be leſs circumſtantial in other Affairs; and, only, mention one remarkable Act regarding the Trade of the Nation; and which ſeems to tally with ſome Circumſtances much nearer our own Time. An. 5 James I. 1607.

There was a Bill brought into Parliament this Seſſion, which was intituled, *An Act to explain another, made the laſt Seſſion of this Parliament*, called, *An Act to enable all his Majeſty's loving Subjects of* England *and* Wales, *to trade freely into the Dominions of* Spain, Portugal, *and* France. This was paſſed into a Law, and may be ſeen in the printed Statutes (*r*). But we find, by the *Journals*, that the firſt mentioned Nation was not then in ſuch ſtrict Amity with us to ſuffer a free Trade. For,

Complaint againſt the Depredations of the Spaniards.

On the 16th Day of *May* there was a Meſſage ſent from the Lower Houſe to the Lords, by Sir *Edwin Sandys* and others, to this Effect: 'That a Petition, directed to his Majeſty and the High Court of Parliament, had been exhibited to them, by ſeveral Merchants of this Realm, complaining, grievouſly, of many intolerable Wrongs and Injuries that had been offered them, by the Subjects of *Spain*, in all Parts Abroad where they trade. As well in taking, and unjuſtly detaining of their Goods, as in bereaving them of their Liberties; and in the cruel Uſage of divers of them; either by committing them to the Gallies, or by other Tortures.' That the Lower Houſe had taken the ſaid Complaint to Heart, and examined the ſame, as far as they could, not being able to take Examination of the adverſe Parties, being of a foreign Nation. Nevertheleſs, they find that the Particulars of the ſaid Complaint, being twenty in Number, at the leaſt, are for the moſt Part very juſt; inſomuch, that thereby they conceive that a Diſhonour is offered to his Majeſty, Wrong to his

(*r*) Statutes at large, 4 *Jac.* I. *Cap.* IX.

An. 5. James I. 1607. Subjects, and Disreputation to the whole State. That thereupon, they having entered into Consideration of Redress, have thought fit, in regard the Matter concerneth a foreign Nation, that is in Amity with his Majesty and this State (*s*), to forbear to proceed therein, any otherwise than by Petition to his Majesty. And they earnestly desire their Lordships will be pleased to join with them in this Petition; and, that for the better Information therein, they will allow of a Conference, at such Time and Place as their Lordships shall think fit to appoint. *Answer.* That because the Lords do find the Matter to be of so great Weight, both in regard to Form and Substance, they will take some Time to consider of it maturely, and send them a fuller Answer as soon as they can. But, it was not till the 8th of *June*, that the Lords sent to acquaint the Commons that they had considered of the Case, and desired to see the Petition which the Merchants presented to them; and that then they would return further Answer touching the Conference.

Upon which the Commons desire a Conference with the Lords.

The Petition, which is printed at length in the *Journals* of the Commons, was sent, according to Desire, with certain Reasons and Articles annexed to it. Importing, That they thought it needless to send the Petition before, because, as it was inscribed to the King's Most Excellent Majesty, the Lords Spiritual and Temporal, and to the rest of the Honourable Court of Parliament, they imagined the like had been presented to their Lordships. In the Petition they observed two Points; 1. A Complaint. 2. A Direction for Remedy. That they had only examined the Proofs of the Complainants, not having Power to convene before them the Persons complained of. And, in their Judgments, so far as they could examine, the Complaint was just, the Grievances great, and the Remedy necessary. For the second Point, they had not entertained any Purpose to meddle with that; being more proper for his Majesty's Wisdom and Clemency,

(*s*) Peace had been proclaimed with *Spain*, 5th *August* 1604.

Clemency, whose Subjects were all under his Protection; therefore they leave it wholly to him, and do now, only, renew their former Request that Petition may be made to his Majesty for some such Means of Redress, as, in his princely Wisdom, shall be thought fit.———But, we are not told by the *Journals* whether the Lords joined with the Commons in such a Petition; nor is there one Word of this Matter mentioned in any of our Historians, by which we may learn whether these Grievances were redressed, or not. An. 5 James I. 1607.

June 4th, 1608, the Parliament was prorogued, by Commission, to the 10th of *February* following; and from that Time, by four other Prorogations to the 9th of *February*, 1609. The Parliament prorogued.

It is remarkable that there was no Supply either asked or granted, in this last Session of Parliament. And, indeed, what was hitherto given, since this King's Accession, bears no Proportion to the heavy Taxes laid on the Subject, at the latter End of the last Reign. *Wilson* insinuates here, 'That the King would not strain the Blood of the Subject by the ordinary Way, lest the Sense of it should bring more Fears and Faintings with it: But, that by laying on little Burdens, at first, he was only inuring them to bear greater, which were preparing for them, in the ensuing Session of Parliament.

In this Interval died *Thomas Sackvile*, Earl of *Dorset*, Lord High Treasurer of *England*; and was succeeded in that great Post, by *Robert Cecil*, Earl of *Salisbury* (*t*), younger Son of the late Lord Treasurer *Burleigh*.

The next Session, of what was still the first Parliament of this King, continued so long; and the Proceedings of it are so much to the Purport of these Enquiries, that the Reader will not blame us for hastening to them as soon as possible. Especially, since there was nothing material that happened An. 7 James I. 1609. At Westminster.

(*t*) So created, 4th *May*, 3 *Jac.* I. with Precedency of his elder Brother *Thomas*, who was the same Day created Earl of *Exeter*. He was one of the Secretaries of State, and a leading Member in the House of Commons in the latter End of the Reign of Queen *Elizabeth*. ——— See Vol. IV.

An. 7 James I. 1609. pened in the Interval, but the Arrival of the King of *Denmark* in *England*, whoſe Reception and magnificent Entertainment here, is amply related by our larger Hiſtorians. The firſt Day of this Seſſion *, *viz.* *February* 9th, opened with nothing material, but the Introduction of *Robert*, now Earl of *Dorſet*, to take his Seat in the Houſe of Lords, in the room of his deceaſed Father. From which Day, being *Friday*, the Lord Chancellor adjourned the Houſe to the *Wedneſday* following.

The Earl of Saliſbury lays before the Parliament the King's Neceſſities.

On that Day the Earl of *Saliſbury*, Lord Treaſurer of *England*, in a ſet Speech to the Lords, which he divided into two Parts, took occaſion to inform their Lordſhips, 'Firſt, by making a particular Relation of the State his Majeſty was reduced to, both in reſpect to his preſent Debts and other Occaſions of Expence; and ſome neceſſary Means to be conſidered of for a preſent Supply for his Wants, and Support of his Royal State in Time to come; which Cauſes he affirmed were the chief Reaſon for calling this Seſſion of Parliament. Next, concerning the Prince, who, though already Duke of *Cornwal* by natural Deſcent, yet was to be created Prince of *Wales* and Earl of *Cheſter*. For the firſt again, concerning the State of the King's Debts, *&c.* his Lordſhip explained by many ſubſtantial Arguments, Reaſons, and Precedents, according to the Knowledge he had gained, as proper to his Place of Treaſurer; and other Obſervations. Laſtly, he made a Motion that a Meſſage might be ſent for this Purpoſe to the Lower Houſe, for a friendly Conference thereupon.'

A Conference thereupon.

This Motion was agreed to, and a Meſſage to the Commons was ſent the ſame Day, importing, 'That becauſe ſome Things of extraordinary Nature were the Occaſion of calling this Meeting, their Lordſhips were deſirous the Commons ſhould be acquainted with them, ſince without their Concurrence nothing could be done. That they thought it neceſſary to treat of theſe Matters, at firſt, whereby their Lordſhips hoped this would prove a Parliament of Conſolation. Therefore, they deſired

* See the King's Speech at the opening of this Speech, in his Works.

desired a Conference, for Consideration to be had of some necessary Supplies to be granted to his Majesty, for his present Occasions. And, further, signified that their Lordships will join with them, for Retribution to his Majesty, as shall be judged most fit and reasonable.' An. 7 James I. 1609.

The Commons readily accepted of this Proposal; and a Conference, with Time and Place, was agreed on between Committees of both Houses. And the Lords ordered, that the Lord Treasurer should deliver the Substance of what he had, this Day, opened to them at the Committee.

It is not clear, by the *Journals*, what was said or done at the first Conference. There is a long Account of it entered in those of the Commons, in the Reports made by the Sollicitor-General, Sir *Francis Bacon*; but the *Items* of them are so short as not to bear a Connection, especially in that of the Public Debts and Disbursements, which are so intricate as not to be understood at all. We shall content ourselves therefore in giving some Account of it from *Wilson*, who tells us, 'That the Plea the Courtiers made Use of, to gain a Supply, was to urge the King's Necessities; which, they said, proceeded from his great Disbursements. That the Three hundred and fifty thousand Pounds due for *Subsidies* in the late Queen's Time, he received with one Hand, and paid away for her Debts with the other; redeeming the Crown-Lands which she had mortgaged to the City. That he had kept an Army of 19,000 Men on Foot in *Ireland*, for some Time, wherein a great Number of the Nobility were Commanders, and other deserving Soldiers, who would have been exposed to Want and Penury if not supplied: For it was not safe for the King to trust the inveterate Malice of a new-reconciled Enemy, without Sword in Hand. The late Queen's Funeral Charges were reckoned up, which they hoped the Parliament would not repine at. The King and Queen, and the Royal Families Retinues and Expences were enlarged in Proportion to their Numbers, and the Dignity of an united

An. 7 James I. 1609.

united Crown. The late magnificent Entertainment of the King of *Denmark*, for the Credit of the Nation: Beſides the Embaſſadors from foreign Princes, more than ever this Crown received, muſt find thoſe Entertainments and Gratuities, which are neceſſary, and are the concurrent and mutual Civilities between Princes (*x*).'

Theſe and many other Arguments, ſummed up by this Writer, were made Uſe of; but yet we find by the *Journals*, that the Commons were not over haſty in granting a Supply. On the 21ſt of *February* they ſent a Meſſage to the Lords, requeſting another Conference with their Committee, about the Matter of *Contribution* and *Retribution*, moved at the laſt Conference, which was agreed to. And, on the 26th, the Lord Treaſurer made a Report to the Houſe of what had paſſed in this laſt Conference. Wherein he particularly took Notice of a Motion, propoſed by the Committee of the other Houſe, 'That his Majeſty might be made acquainted, by ſome of their Lordſhips, that it was the Deſire of the Commons, that ſome Courſe might be taken concerning *Wardſhips* and *Tenures*.' Which being debated among the Lords, they agreed that a ſelect Number of their Houſe ſhould be choſen to acquaint the King with the Commons Requeſt.

The Commons Propoſal relating to Wards and Tenures.

On the laſt Day of *February*, there was a long Debate in the Houſe of *Commons*, on the two Buſineſſes of *Support* and *Supply*; the Heads of which are given in their *Journals*; but are again too intricate to unravel. We ſhall therefore chiefly follow the *Journals* of the *Lords*, and only give ſome remarkable Hints from thoſe of the *Commons*, as they fall in our Way; one Inſtance of which is now before us.

On the Day before-mentioned, the Reſult of the Debate, on the *Supply*, was a Diviſion of the Houſe on the Queſtion, Whether it ſhould be put off for that Time or not? It was carried to ſit ſtill, only by 160 againſt 148. It was then moved to ſay,

Diviſion on the Supply.

(*x*) *Wilſon* in *Kennet*, Vol. II. p. 681.

ſay, 'That they were willing to relieve the King's Wants chearfully; Time enough for Retribution afterwards. That the Supply might be poſtponed, but to ſupport immediately. To intend, was mental Purpoſe; to give a plain open *Engliſh* Anſwer, that we propoſe to give ſomewhat.' On the whole, a Reſolution was taken, on a Meſſage from the Lords, to ſend an Anſwer to this Purpoſe; 'That they would think of the Supply in due Time, and doubted not but to give his Majeſty good Satisfaction. For the Matter of annual Support, in Lieu of *Wardſhips* and *Tenures*, when they ſhall hear from their Lordſhips about them, they will be ready to join with them in Conference.' An. 7 Jam. I. 1609.

Theſe *Wardſhips* and *Tenures*, and ſome other Grievances to the Subject, which will appear in the Sequel, were the Obſtacles that kept back the Supply; and, till they were ſatisfied in thoſe Points, the Commons ſeemed to be in no Humour to grant any. The King's Favourites now began to be looked upon with an evil Eye by the People; and he was ſo profuſe in his Preſents and Gratuities to them, that ſome did not ſtick to ſay, openly, *That the whole Wealth of* England *would not ſerve the King's vaſt Bounty.*——But now a ſmall Digreſſion on another Subject.

The *Lords Journals* tell us, that on the 27th of *February*, the Commons ſent a Meſſage to the Lords to acquaint them, 'That they had taken Notice of a Book, lately publiſhed by one Dr. *Cowel*, which they conceived does contain Matters of Scandal and Offence towards the High Court of Parliament; and is otherways of dangerous Conſequence and Example. That being deſirous there ſhould be a joint Examination of the offenſive Contents of the ſaid Book, and ſome Courſe taken for the Puniſhment of the Perſon who publiſhed the ſame; they therefore deſire their Lordſhips to appoint a Conference for that Purpoſe.' The Commons complain of Dr. Cowel's Book tending to advance the Prerogative Royal.

The Lords returned a very civil Anſwer to this Meſſage; 'That they were willing to join with them in any Cauſe proper to maintain the Honour of

An. 7 James I. 1609. of that High Court, and to cheriſh a mutual Correſpondence between both Houſes, which together make the Body of the Parliament, whereof his Majeſty is the Head. They therefore appointed Time and Place for a Conference, not only on the Complaint, but to go again on the Topic of a Supply.'

Wilſon informs us, 'That the Book, here mentioned, which had given Offence, wrote by Dr. *Cowel*, a Civilian, was to prove the Excellence of the Civil Law in Compariſon of the Common Law of *England*. That the King had let fall ſome Expreſſions at his Table, in Derogation of the latter, and highly extolling the Civil Law before it. At the ſame Time, declaring his Approbation of a Book, lately writ by Dr. *Cowel* on that Subject. This, ſays our Author, nettled the great Lawyers much; and had not ſome of them been raiſed ſo high, that they could not, with their Court-Gags, look downwards, it had bred an open Conteſt. However, adds he, though they did not ſtir in it themſelves, we may ſuppoſe they, underhand, ſtirred up this Proſecution againſt the Civilian, for fear, that if this Scheme ſhould take Place, they ſhould have their Leſſons to learn over again *(y)*.

The King ſeeming much inclined to theſe *foreign* Notions, and ſomewhat tinged with the Love of Arbitrary Government, it is no Wonder that an *Engliſh* Parliament began to think of clipping his Wings in Time: But hitherto every Thing was conducted with the greateſt Decency between them.

February the 28th, the Lord Treaſurer informed the Lords of the King's Anſwer to the Meſſage ſent to him, at the Deſire of the Commons, relating to *Tenures* and *Wardſhips*. 'That his Majeſty reſerveth to himſelf, *tanquam Res integra*, the Power of Affirmative, or Negative, to grant it; as on further Deliberation, he ſhall ſee Cauſe.' Hereupon, it was moved by the Earl of *Northampton*, Lord Privy Seal, 'That in regard the Matter was of great Importance, Reſpite might be taken for imparting

(y) Wilſon in *Kennet*, Vol. II. p. 681.

parting his Majesty's said Answer to the Lower House, till To-morrow, on their next Meeting; when some fit Course might be considered of for that Purpose. This Motion being seconded by the Lord Chancellor, it was agreed that no Answer should be returned to the Commons till the next Day. At which Time the Lords were interrupted from considering of the Affair, by another Message from the Commons, importing, That they desired their Lordships to appoint a Meeting of the Committees of both Houses, to receive their Answer touching the Matter of *Support* and *Supply*. The Lords, with much Complaisance, appointed Two that Afternoon for the Purpose. An. 7 James I. 1609.

We find that the Lords did not acquaint the Commons with the King's Answer, even at this Conference; it was too ticklish a Point before they were sure of the Supply. And, it may be supposed that some Satisfaction had been then given to the Lords about that Affair; for the very next Day a Message was sent from them to the Commons, to this Effect:

'That whereas the House of Commons, by a Message of late sent from them, had moved their Lordships that his Majesty might be made acquainted, by some of their House, with the Desire of the said Commons, touching the Matter of *Tenures* and *Dependencies on Tenures*; their Lordships had acquainted his Majesty therewith, and received his Answer. And conceiving that the Time appointed this Afternoon, concerning Dr. *Cowel's* Book, may fitly serve both that and imparting his Majesty's Answer, do desire that this Meeting may accordingly serve for both these Purposes. The Commons replied, That they received their Lordships Message very respectfully, and would be ready to attend their Service at the Time and Place appointed.

This Book was called *The Interpreter*; and the Principles of it, from whence the Author deduced his Inferences, were these:

An. 7 James I. 1609.

1. That the King was *ſolutus a Legibus*, and *not bound* by his Coronation Oath.

Dr. Cowel's obnoxious Poſitions.

2. That it was not, *ex Neceſſitate*, that the King ſhould call a Parliament to make Laws, but might do it *by his abſolute Power*; for *Voluntas Regis* was *Lex Populi*.

3. That it was *a Favour* to admit the *Conſent* of his *Subjects*, in giving of *Subſidies*.

There was alſo another Book, complained of by the Commons, wrote by one Dr. *Blackwood*, about this Time, which concluded, 'That we are *all Slaves* by reaſon of the Conqueſt (z).

March the 3d, the Lord Chancellor reported to the Houſe of Lords the Subſtance of what was delivered, by the Committee of the Lower Houſe, at Yeſterday's Conference, on the Points of *Supply* and *Support*. 'That the Commons had expreſſed a tender Feeling towards his Majeſty's Wants, and a due Regard to relieve them. But they could not conceive, as they affirmed, how it could be done in any other Way than by *Subſidy*. Which being proper to be firſt moved in the Houſe of Commons, they will conſider of a fit Reſolution and proceed therein in due Time. That, as to the other Point of *Support*, they hold this Matter to be moſt conſiderable, and therefore proper for the Lords; of which they expect to be informed from them at their Convenience.'

Then the Lord Privy Seal declared to the Houſe what had paſſed in the Conference relating to Dr. *Cowel's* Book. 'That the Attorney-General, in delivering the Senſe of the Lower Houſe, did very modeſtly and diſcreetly lay open the Offence taken againſt the Party, and the dangerous Conſequence of the Book.' Afterwards the Biſhop of *London* (a) read the particular Exceptions which the Commons had made to it; which were, 1. On the Word *Subſidy*; 2. On the Word *King*; 3. On the Word *Parliament*; 4. On the Word *Prerogative*. On all which Words the ſaid Dr. *Cowel* had ſo unadviſedly

(z) *Petyt's Miſcell. Parl.* p. 65.
(a) *George Abbot. Le Neve.*

adviſedly enlarged himſelf, as the Commons appre- An. 7 James I. 1609.
hended that the ſame was very offenſive, and of dangerous Conſequence.

On this Report, the Lords took a little Time to conſider, and then thought proper to ſend a Meſſage to the other Houſe, to deſire another Conference about this Book, and in the mean Time ordered their Clerk to ſeek Precedents of that Kind, and faithfully to acquaint the Houſe therewith. The next Day the Lord Treaſurer informed the Lords, 'That his Majeſty had taken Notice of this Matter; and had lately peruſed the Places in the Book to which Exceptions were taken. That he had called the ſaid *Cowel* before him, and heard his Anſwers thereunto; and, having duly conſidered of the Errors committed by the Author, in that Behalf, was graciouſly pleaſed to deliver his Judgment and Reſolution to the Lords, to be by them communicated to the Committee of the Commons.'

The Proſecution of Dr. Cowel dropt, by the King's Interpoſition.

We are not told by the *Journals* what this Reſolution was; but it may be ſuppoſed to finiſh the Buſineſs, for there is no more Mention made of it. Grievances of a much higher Nature now embarraſſed the Thoughts of both King, Lords, and Commons; which were that of *Tenures*, and *Dependency on Tenures*, already ſpoken of, and other Branches of the Prerogative which will fall in the Sequel.

Proceedings in relation to Tenures, &c.

Some Conferences had already paſſed, between the two Houſes, when the Affair of *Cowel's* Book was on the Carpet, about *Tenures*. And, *March* the 10th, the Lord Privy Seal made a Report to the Lords of what had been done at the laſt Conference. His Lordſhip obſerved, 'That the Committee of the Commons inſiſted chiefly on three particular Points, in the Debate, on which the Matter of Tenures depended. Theſe Points were *Honour*, *Conſcience*, and *Utility*; to the laſt of theſe they ſaid, That ſince his Majeſty, out of the Greatneſs of his Mind, had been pleaſed to ſet it aſide; ſo they, in their Duties, would urge it no further than otherwiſe it ſhould be meet. And it would be moſt proper to treat of that when the other two

An. 7 James I. 1609. of *Honour* and *Conſcience* ſhould be diſcuſſed. Theſe laſt two they confeſſed were of much Weight; ſpeaking in moſt reverend and tender Manner of his Majeſty's *Honour*; and likewiſe affirming, that it was far from them to put any Thing into the clear Spring of his *Conſcience*. Therefore their Concluſion was, That his Majeſty might be addreſſed by their Lordſhips to accelerate his Anſwer concerning this Matter of *Tenures*, as ſoon as conveniently he might; yet ſubmitting themſelves wholly to his gracious Pleaſure.'

Upon hearing this Report, the Lords agreed to addreſs his Majeſty, as the Commons deſired; a Committee was ordered for that Purpoſe; and the Lord Privy Seal enjoined to deliver the Contents of it to the King, and bring back his Majeſty's Anſwer.

March the 12th, the aforeſaid great Officer very amply reported to the Houſe the Anſwer his Majeſty was pleaſed to give to the Committee appointed to addreſs him, on the Requeſt of the Commons, about *Tenures*, *&c.* And ſaid, that his Majeſty, ſtrictly obſerving every Point thereof, was pleaſed to give his Anſwer in Effect following:

'That although he took good Notice of the 'Diſtinction of Time, when the Matter was firſt 'moved, and the preſent; and that there are infi-'nite Affairs as well of State as others of Parlia-'ment, which keep them ſtill in Exerciſe. Yet, 'in reſpect of the Humility, dutiful Carriage, 'Diſcretion and Judgment of the Lower Houſe, 'ſhewed in this Matter; of the Wiſdom of the 'Lords in moving it; and, laſtly, the Seaſon of 'the Year; his Majeſty had thought of thoſe 'Particulars, and was pleaſed that they ſhould 'treat of the Buſineſs; and that the Lower Houſe 'ſhould have ſpeedy Notice of his Pleaſure there-'in. Furthermore, his Majeſty mentioned ſome 'other Buſineſs in Hand this Parliament; and 'firſt, of *Grievances*, which he declared himſelf 'to be ſo willing effectually to redreſs, that altho' 'he doubted not the good Diſpoſition of his Poſte-'rity,

'rity, yet he is desirous to provide, *That if they* An. 7 James I. 1609.
'*should have Will, they may not have Power again*
'*to grieve the People.*

This most gracious Answer being delivered, the Lord Chancellor put the House in Mind of the *Supply*; which was spoke of by the Commons at the last Conference. And thereupon moved, that the Lower House might be made acquainted with his Majesty's Answer about *Tenures*, as soon as possible. This was agreed to, and the Answer was delivered to the Commons that Afternoon.

Great was the Joy which the House of Commons expressed on this gracious Return to their Request; which they signified to the King by the Mouth of their Speaker, attended by the whole House. The House of Lords too did the same by the Chancellor; but, we find by the *Journals*, that he was unwilling to undertake the Employment, *ex Ore*, and desired to have it in Writing; which the Lords would not consent to, but trusted to the Chancellor's Wisdom and Understanding of the Matter, to dress it up as he pleased.

And now both Houses proceeded warmly in their Conferences about *Grievances*. On the 29th of *March*, the Lord Treasurer reported to the Lords what was done at the last; and how far the Committee of the Lower House had proceeded in the Matter of *Tenures*, to this Effect:

'First, His Lordship observed that Mr. Recorder of *London* declared, That Ease and Convenience had led the Commons to seek this Matter of *Tenures* and their Dependents; that Love and Loyalty had caused them to take the Course therein they had done; and that having now the King's Answer, which was a Licence to treat of that Business, they departed, joyful in their Hearts, like the Sons of *Emaus*.——That this Matter consisted of four considerable Points: 1. What they desire: 2. What they would offer: 3. How they would levy it: 4. How they may have Security for what they seek. That of the two first, they had determined in this Sort; *viz.* That *Knights*

An. 8 James I. 1610. *Service*, generally, might be turned into *free and common Soccage.*

Next follows in the *Journals*, a long Account of those particular Grievances, relating to *Tenures*, the Commons wanted to have redressed. But, as these Complaints and several more, concerning the *Prerogative Royal*, are all amply recapitulated at the End of this Session, we shall postpone them till we arrive at that Period. Only, observing here, that the Retribution the Commons offered to the King, in Lieu of these Perquisites of the Crown, was 100,000*l.* yearly; wherein they included all the *Esse* and *Posse*, which the King ever had, in the Matters aforesaid, to be compounded for.

After the Lord Treasurer had made the foregoing Recital to the Lords, it was *Resolved*,

'That to the End that House might better examine every Particular, so desired, and the several Values of them; and thereupon consider of the Offer made, in order to be better prepared to take farther Course of proceeding with the Lower House; the Lords should go into a Committee of the whole House thereupon.------But, *Easter* now approaching, and the Parliament being thereupon adjourned, it was not till the 18th of *April* that this Matter of *Tenures* was again resumed by the Upper House. And, on a Motion of the Lord Treasurer, because his Majesty had not signified his Pleasure to that House how far he likes of these Proceedings; therefore he moved that a Committee of Lords should be appointed to wait on the King, and to understand from him whether he shall be pleased to approve of this Scheme of parting with Tenures, *&c.* or not?

A Committee being appointed accordingly, consisting of all the great Officers of State, *&c. April* 20th, after a Call of the House of Lords, and a severe Admonition from the Chancellor, for due Attendance, the Lord Treasurer reported his Majesty's Answer, to this Effect:

'He

'He first took Notice, That the Reason of this present Meeting was to deliberate in what Manner to deliver this Answer to the Committee of the other House. For, he said, that the Business to which the Answer was made is not ordinary; not a Grievance, nor yet a Request for Justice, nor any such Matter, to which the King may or ought to be urged to any present or certain Answer. But, that this was a Suit for a valuable Recompence, to be eased of certain Payments and Burdens, by Law justly lying on the Subject, and of which no Man can justly complain.' The Matter requested his Lordship remembered to be this, That all Tenures, by *Grand Sergeanty*, *Petit Sergeanty*, *Knights Service in Capite*, &c. may be turned into free and common *Soccage*, as of a *Manor*, which he affirmed was the basest and meanest Service. Unto this Request his Lordship reported his Majesty's Answer to be, *That he would upon no Terms whatsoever part with any Branch of his Sovereign Prerogative, whereof the* Tenures in Capite, *from his Person, which is all one as of his Crown, was no small Part. But, touching the* Dependence upon Tenures, *such as*, Marriage, Wardship, Primier Seisin, Relief, Respect of Homage, and the like, *which are only the Burdens of Tenures, (the Honours and Tenures reserved) his Majesty is pleased, when he shall understand what Recompence will be offered for them, to give further Answer, towards contracting for the same, with all convenient Speed.'* An. 8 James I. 1610.

Upon this the Judges were asked their Opinion, 'Whether the *Tenure of Honour*, &c. may be *reserved* to his Majesty, and the *Charge* or Burden, with other Things of like Nature, be *released?*' To which they answered, with Reservation, in the Affirmative. It was then resolved, 'That the Lord Treasurer should deliver his Majesty's Answer to the Committee of the Lower House that Afternoon; and leave the Consideration of the Course and Means to their Wisdom and Conduct.'

An. 8 James I. 1610.

May 7th, the Lord Treaſurer acquainted the Houſe, 'That neither he, nor their Committee, were at all ſatisfied with the Proceedings of the Commons, in this Matter. That there was no Freedom of Debate uſed in their Meetings, which was the only Way to come at a good and ſpeedy End. But, only a written Meſſage read unto them, to which, when any Thing was objected by the Lords, the others were debarred from making any Reply. That the Lords had objected to the Commons, That whereas the Members of that Houſe had offered to give for the Matter of *Wards*, *Tenures and Dependents thereon*, 100,000 *l. per Annum*, and had received Anſwer, That his Majeſty, as then adviſed, would not accept it; nor ſaw any Reaſon to depart from his firſt Demand of 200,000 *l.* yearly Support, and 600,000 *l.* Supply: His Occaſions being now, in all Appearance, greater than before; eſpecially, as the *Wards* were now deſired by them, which were not ſpoken of before, nor included in the King's Demand. To which the Commons written Anſwer was, That they had ſince entered into a Re-examination of the Matter, and *do find no Reaſon to alter their Offer*. That their Purpoſe was to have laid the Burden on the Landed Men, when it was moved to them, that they ſhould think on ſome Courſe to make up the King's Demand, *&c.* But they cannot find how ſo huge a Sum may be levied, without grieving a Number of his Majeſty's poorer Subjects. Howbeit, in all reaſonable Matters, they will be willing to give his Majeſty Satisfaction. Laſtly, they acknowledge their great Obligation to him, for giving them more Liberty to treat of theſe Matters, than ever was granted to any of their Predeceſſors; and further than that Leave they would not go'

But, in the midſt of theſe Parliamentary Proceedings, in *England*, an Accident happened in *France*, which did not only greatly affect that Kingdom, but the Affairs of all *Europe*. This was the Murder of *Henry* IV. King of *France*, by a determined Villain, in his Coach; in open Day-

Light, and in one of the public Streets of *Paris*. Our general Hiſtorians are copious enough in deſcribing the Circumſtances of this execrable Affair, with its Conſequences; but, our Buſineſs is only to find how far an *Engliſh* Parliament was affected by it; ſince *Henry* was a ſtrong Ally of this Crown, and one great Bulwark of the *Proteſtant* Cauſe. An. 8 James I. 1610.

On the 8th Day of *May*, in this Seſſion of Parliament, the Lord Treaſurer, in an eloquent Speech, as the *Journals* expreſs it, not without ſome ſenſible Paſſion, in regard of the Matter which he was to deliver, and of the weighty Conſequence depending thereon, reported to the Houſe:

'That the *French* King, having on *Thurſday* laſt crowned his Queen, and on *Friday* having been at the Palace, and returning from thence to the *Louvre*; accompanied with three Nobles, as he ſat with his Back towards the End of the Coach, paſſing through a narrow Lane, was, at the turning, ſlain by a baſe Fellow with a long Knife (*b*). He declared the Manner of his Murder, as he had received the News of it, but the Truth of Circumſtances he left to further Intelligence. His Lordſhip then diſcourſed on the exceeding Virtues and Vices of the dead King; and that, at his Death, he had a great Army in Readineſs. That he was an aſſured Friend to the King their Sovereign, and to this Realm; and an eſpecial Defence and Wall between the Reformed Religion and its Oppoſites in *Chriſtendom*. He then ſhewed them what Cauſe they had to fear many Inconveniences by this Loſs; and, laſtly, he told them the great Neceſſity there was to provide Treaſure, before-hand, againſt all Chances.' The Lord Treaſurer acquaints the Lords with the Murder of Henry IV. King of France.

To this Declaration the Lord Treaſurer added a Motion, That a Meſſage might be ſent to the Lower Houſe, which was agreed to, and the Meſſage was to this Effect: 'That their Lordſhips had all this Seſſion found that the Houſe of Commons bore great Reſpect to theirs, and deſiring, likewiſe, to keep up the good Correſpondence between them;

(*b*) *May* 3d, *Camden's* Annals.

An. 8 James I. 1610.

them; as well knowing that both Houſes, though ſitting in ſeveral Places, yet make but one Body and one great Council, have thought good to acquaint them with an Accident of great Importance. And, becauſe it was ſomething rare, therefore their Lordſhips deſired that ſuch and ſo many of the Lower Houſe, as they themſelves ſhall ſelect, may preſently meet with certain of the Lords, in the *Painted-Chamber*.' Anſwer was immediately returned that the Commons would inſtantly attend them.

Which occaſions a Revival of the Penal Laws againſt Recuſants.

We may reaſonably ſuppoſe that the Commons received this News with as much Conſternation as the Lords; and ſince the Murder of the *French* King was perpetrated by an Enthuſiaſtic *Romaniſt*, it again alarmed the *Engliſh* Parliament with *Popiſh* Plots, at Home; heightened their Zeal for the Preſervation of their own Monarch from ſuch a ſudden Fate, and puſhed them on to petition the King to put in Force the Laws againſt *Papiſts* in *England*.

May 21ſt, King *James* ſent a Meſſage to both the Houſes, to require their Attendance in the Palace of *Whitehall*, at two in the Afternoon. The *Journals* are ſilent as to what the King ſaid to them at this Meeting, and as to the Occaſion of the Summons; nor are we aſſiſted by any Hiſtory in this Matter. *Wilſon*, indeed, hath given us a dreſſed up Speech, which he ſays was delivered by King *James* to both Houſes of Parliament, at *Whitehall*, ſometime during this Seſſion. But, ſince there is not one Word of the preceding great Accident, to ſo near an Ally, mentioned in it, we may reaſonably conclude, that if it ever was ſpoke at all, it was not at this critical Conjuncture. This Author, in telling us that the King obſerved ſome Diſſenſions to ariſe between the two Houſes, and that they began to run counter to his Deſigns, has made a Pack of Dogs of them all; and has conſtituted the King the *Huntſman*, or rather the *Whipper in* of the ſtragling Hounds.-------The Purport of the Speech is to exalt the Prerogative of Kingly Power beyond the Skies, and fix it next to God

God himſelf. To endeavour to extenuate his unguarded Expreſſions, in Favour of Dr. *Cowel's* Book; and to run a Parallel between the Excellence of the Civil Law, which he calls *Lex Gentium*, and the Common Law of *England*. To vindicate the *High-Commiſſion-Court*, againſt which no Complaint had been yet exhibited in Parliament; and, laſtly, to urge his Wants, occaſioned by the great Expences he had been at ſince his Coming to the Crown, and to deſire a Supply from them (*c*).--------But ſince there never was a Report made of any ſuch Speech in the Houſe of Lords, as was then the conſtant Cuſtom, we may reaſonably ſuppoſe it an Invention, deſigned to blacken the Memory of this Prince. An. 8 James I. 1610.

The Buſineſs of Supply, was a Thing, indeed, which ſtuck much with the Houſe of Commons; and they ſeemed very unwilling to proceed in it, till ſome, or all of their Grievances were redreſſed. On the 26th of *May*, the Lords *Journals* inform us that the Lord Treaſurer, in another eloquent Speech, took Occaſion to put the Houſe in Mind of the chief Motive for calling this Parliament. Which, he ſaid, beſides the Celebration of Prince *Henry's* Creation, was to derive from the Subject ſomewhat towards the Upholding the State of this Monarchy. In which, as his Meaning was well underſtood, he doubted not but every Man would put it forward. He alſo informed them that the Neceſſity of the Supply increaſed, and much Time was ſpent; though, notwithſtanding, there had not been gained of the Commons ſo much as to have a free Intercourſe of Arguments, but only Meſſages about it. Wherefore, his Lordſhip moved, That a ſpeedy Conference ſhould be deſired of the Lower Houſe, not with Hope, at this Time, to gain what is wiſhed, but to deliver to them the Convenience and Neceſſity of ſuch a free Conference. By which Courſe, he conceived, the Thing might be better infuſed and ſpread in that Houſe, than

(*c*) *Wilſon* in *Kennet*, Vol. II. p. 682. *Rapin's* Hiſtory of *England* Vol. II. p. 178. *Folio.*

An. 8 James I. 1610. than if it was carried unto them by a Perſon thereunto appointed. He further told the Lords that he underſtood many of the Lower Houſe were departed; and an Injunction was laid on the Remainder not to conclude any new Thing before the Return of the others. Yet, his Lordſhip conceived there was a Power left with theſe that remain to debate other Matters; in which, perhaps, a Perſuaſion may be wrought to ſuch a Conference as is deſired.'

After this, it was reſolved that a Meſſage ſhould be ſent to the Lower Houſe to deſire a Conference, with their Committee, on *Tenures*, &c. and Anſwer was ſoon after returned, That the Commons agreed to this Propoſal. The Chancellor of the Exchequer, who with others brought this Anſwer, likewiſe, informed their Lordſhips, 'That the Commons had well conſidered of the Matter which did, at this Time, concern the Safety of his Majeſty's Perſon; and had thought good to propoſe unto them ſome Things, in which they deſire their Lordſhips to join with them in Petition to his Majeſty.' Firſt,

'That Proclamation be made forthwith, that all *Recuſants*, before the 2d of *June* next, do avoid the City; and reſort to ſuch Places where they are by Law confined; and not to remain within ten Miles of the City or Court without Licence.'

'2. That all *Recuſants* be diſarmed, and their Arms diſpoſed as the Law requireth.'

'3. That no Subject do reſort to the Houſe of any Embaſſador to hear *Maſs*.'

'4. That all *Jeſuits* be impriſoned, and not permitted to have Conference.'

'5. That the Oath of Allegiance be adminiſtred in the Court, by the Lords and others of the Council to all that ought to receive it; and, in the Country, by the Juſtices of Peace.'

Anſwer. That the Lords will be ready to join with the Commons, in ſuch a Petition to the King, when they can fix upon a proper Method to do it.

After

After the Meſſengers were withdrawn, the Lords went into Conſultation amongſt themſelves, how their Committee ſhould act the next Conference about the Supply. And, it was agreed that the Lord Treaſurer ſhould open the Matter to the Commons; and endeavour to ſhew them the Difference between a free Conference and a dry Meeting, and the Likelihood of the former's ſucceeding. Next, to put them in Mind of their firſt Offer of 100,000 *l. per Annum*, wherein *Purveyance* was included; and if they deſired to have that given up too, then they muſt enlarge their Sum. Laſtly, That though his Majeſty's Occaſions are increaſed, ſince his Demand of 200,000 *l. per Annum*, yet he was pleaſed to abate thereof, and therefore to wiſh the other Side might advance. Of all which, if they were willing to debate, then his Lordſhip was to ſhew what the King would fall to, and to deliver the Opinion of the Committee of this Houſe which Way it was to be raiſed. All the Lords to have Liberty to ſpeak to this Matter in the Debate, as well as the Treaſurer. An. 8 James I. 1610.

May 27th, the Lords preſented a Petition, or Addreſs to his Majeſty, for the putting the Laws in Execution againſt *Popiſh Recuſants*, &c. And, on the 30th, the Archbiſhop of *York* reported his Majeſty's Anſwer to it, That he took very graciouſly this Motion of the Houſe of Commons, in regard to his Safety, as proceeding from their Duty and Love; and will, with all convenient Speed, conſider thereof. Accordingly, ſome few Days after, a Proclamation came out, commanding all *Romiſh Prieſts*, *Jeſuits*, and *Seminaries*, to depart the Kingdom by the 4th of *July* next; and all *Recuſants* to return Home to their Dwellings, nor to come within ten Miles of City or Court, and to remain confined according to the Statute, in that Caſe provided (*d*).

On *Saturday* the 2d of *June*, the Lord Chancellor acquainted the Houſe of Lords, That it was his Majeſty's Pleaſure they ſhould all attend in their Robes

(*d*) *Continuation of* Stowe's *Chron.* p. 905.

An. 8 James I. 1610.

Robes at *Whitehall*; in order to be present at the Creation of the Prince of *Wales*, which was to be solemnized on *Monday* the 4th of *June*. The Lords *Journals* have preserved the Form of this Creation; and, as it is somewhat singular, we shall transcribe it *Verbatim* from that Authority.

The Form of the Creation of Henry Prince of Wales, &c.

'*Die Lunæ 4to Junii*, 1610.

R E X.

Archiepiscopus Ebor.
Episc. London.
Durham.
Cum 16 *aliis Episcopis.*

Dominus Ellesmore, *Cancellarius* Angliæ.
Comes Sarisburiensis.
Cum 22 *aliis Comitibus,*
Uno Vicecomite,
Et 24 *Baronibus.*

'This Day the Chamber, commonly called *Whitehall*, or the Court of Requests, was very richly hung from the upper End more than half down towards the lower End, where was set up a strong Bar of Timber thwart the Room. In the highest Part of the Room was placed, for his Majesty, a sumptuous Cloth of Estate, and of either Side Scaffolds for Embassadors of foreign Countries. On each Side against the Walls were erected Seats, one above another, for Strangers and noble Personages, with the Lord Mayor and his Brethren in the Midst. Upon Forms and Wool Sacks did sit all the Lords of Parliament, and the Judges in their Robes; and likewise the Officers and Attendants as on the Days of sitting in Parliament. Below the Bar was placed the Speaker's Chair; Forms on the Ground, and Seats on each Side, one above another, fit and convenient to receive the whole House of Commons. His Majesty being set under his Estate (for whose Coming all the Lords in their Robes and Seats, except such as attended his Person and the Prince, as also the Speaker and all the Lower House did wait and attend;) the Prince, his Highness, honourably attended by divers Noblemen, the Knights of the *Bath*, Officers at Arms, and his own Servants, entered in at the nether End of the House, and was with great State and Solemnity brought up to the Foot-Path before the

the King; where, kneeling at the firſt, and then ſtanding, his Highneſs was, with all due Ceremonies, created Prince of *Wales* and Earl of *Cheſter*; and a Patent thereof firſt read by the Lord Treaſurer, principal Secretary of his Majeſty, and afterwards delivered to him. Which done, and all Ceremonies finiſhed which thereunto appertain, the Prince, his Highneſs, in great State and Magnificence, ſome little Time after the King's Majeſty, departed the Court at *Whitehall*.' An. 8 James I. 1610.

Some few Days after were allowed for Triumphs, Maſques, Shews, Recreations and other Diverſions on this Occaſion; all which are amply deſcribed by the *Continuator* of *Stowe's Chronicle*, and others. On the 7th of *June* the Parliament met again, by Adjournment; and the ſame Day the Lord Chancellor, in a grave Speech, declared to the Houſe of Lords, 'That the great Care which their Lordſhips and the Lower Houſe had for his Majeſty's Safety, had produced a Proclamation, that contained a Clauſe commanding all Biſhops, Juſtices of Aſſize, Juſtices of Peace, and alſo all others of his Majeſty's Officers, whom it may concern, to miniſter the Oath of Allegiance, according to the Laws. His Lordſhip further told them, that, according to the Petition of the two Houſes, the Lords of the Council had already been ſworn by the King himſelf, in the Preſence of the Prince. That the Lower Houſe had generally taken the ſame Oath; and that it was the King's Pleaſure that the Reſidue of the Lords, Spiritual and Temporal, ſhould do the like.' This was immediately complied with, and all the Lords preſent were ſworn by ſix of the Privy Council, and the reſt as they came to the Houſe ſome Days after; and the Oaths were likewiſe adminiſtred to different Perſons, both Clergy and Laity, all over the Kingdom. Moreover, a Bill was brought in this Seſſion, and paſſed into a Law, for adminiſtring the Oath of Allegiance to *Women*; and for the Reformation of married Women, being Recuſants (*e*).

But

(*e*) An. 7 *Jac.* I. Cap. 6. *Statutes at Large.*

An. 8 James I. 1610.

But during the Formalities of these Pageants, *&c.* the great Affair of redressing Grievances, and granting Supplies, was suspended; and the Season of the Year being now very far advanced, it was supposed that neither of them would be done this Session. The Lords had many Times urged the Commons to come to a free Conference about them, but with no Success; but, *June* the 18th, a Message was sent by the Lower House to the Lords, importing,

Farther Proceedings relating to Tenures, &c.

'That they now desired a free Conference with their Lordships, as soon as they pleased to appoint; and that their Lordships should come prepared to give Satisfaction to the Committee of the other House in three Points, *viz.*

1. 'What more the Lords would offer unto the Commons to be considered of, above the ten Things already proposed, and above that which they of that House have thought on to be given by Way of Retribution?'

2. 'That the Lords would deliver unto them the lowest Price of those Things which they shall have to contract for.'

3. 'What Course may be taken, and what Projects their Lordships will propound, for levying that which shall be given, otherwise than upon the Lands?'

The Lords took some Time to consider of this Message, because, as they sent Word to the Commons, the King was to be consulted about it; and they appointed a Committee to wait upon his Majesty accordingly. The King was not over hasty in giving an Answer to a Matter of that great Consequence; and it was not till the 26th of *June* that the Lord Treasurer reported his Majesty's Answer to the Lords on the three Points above given. To the first he said,

1. 'That he durst so far put Confidence in the Lords of the Committee deputed by this House, that he would leave in them an implicit Trust to treat of whatever may tend to the Good and Ease of

of the Subject, without touching his Honour, or taking that from him which he may not ſpare.' An. 8 James I. 1610.

2. 'To the ſecond, his Majeſty is pleaſed to ſet a Price, as is deſired, but he requireth to have one Night's Reſpite more, to ſleep on it; and this Day he would ſend his Anſwer and good Pleaſure, in Writing, before the Conference.'

3. 'To the laſt Point, his Majeſty leaveth and doth repoſe Truſt in the Lords to propoſe, anſwer and diſpute, as they ſhall think good and ſee Occaſion.'

To this Anſwer which the Lord Treaſurer delivered, the Lord Privy Seal added, 'That his Majeſty was likewiſe pleaſed to require the Lords, in this Conference, to conſider that they are all *Peers* and equal with the Council; and that, accordingly, they will have equal and like Reſpect and Care of the Service, and be *Pares in Onere*, alſo.'

We are now left in the Dark, by the *Journals*, in what was further done at thoſe Conferences, till the 19th Day of *July*, when we find a *Memorial* entered, as that Day, in theſe Words: And on Matter of Grievances and Impoſitions.

'*Memorandum quod Die* Martis 10 *Die* Julii, 1610, in the Afternoon, as well the Lords Spiritual and Temporal, as the Speaker and the whole Houſe of Commons, attended his Majeſty, in the great Room or Chamber, called the Banqueting-Houſe at *Whitehall*, the Prince and the Duke of *York* being then alſo preſent; where, after his Majeſty had vouchſafed, very princely, to declare, in general, his Intent concerning ſuch Impoſitions, as the Commons, by their Grievances, lately exhibited unto him, had complained of. And the Lord Treaſurer having likewiſe, by his Majeſty's Commandment and Direction, opened more particularly, in a long and exact Speech, the Nature and Quality of theſe Impoſitions, with the Cauſe and Order of raiſing the ſame; (which his Lordſhip affirmed to have been chiefly done before himſelf was Treaſurer, by adviſed Council, firſt taken, and by divers Conferences, firſt had with many of the principal Merchants of all Companies, and with

An. 8 James I. 1610. with their Aſſent and Allowance, and not to be in that Kind burthenſome, as generally is conceived.) His Majeſty was then pleaſed, in a ſecond Speech, to remember that he received from the Commons their Grievances but on *Saturday* laſt, ſo as, this being *Tueſday*, there hath been only two Days paſt; and therefore to all their Grievances they might not, at that Time, expect Satisfaction; howbeit, to ſome of them, they ſhould preſently receive his Anſwer; which, being formally put in Writing, by Direction, his Majeſty commanded the Clerk of the Parliament, openly and diſtinctly, to read; which accordingly was done, and were as follows, *viz.*

Grievances. *Impoſition of one Shilling upon the Chalder of Sea Coals.*

Anſwer. There was never any Impoſition laid upon the Sea Coals of *Blyth* and *Sunderland*, by the King's Authority; but it being conceived that they were Members of *Newcaſtle*, (and ſo within their Compoſition) they were only mentioned in ſome Letters Patents with the Town of *Newcaſtle*. But, it appearing that they were Things diſtinct, let the ſaid pretended Impoſitions be laid down, and no more taken.

Grievance. *Exaction for ſealing of new Drapery.*

Anſwer. The King hath received no Knowledge of any Abuſe of the ſaid Patent; and if any Complaint hath been made unto his Majeſty's Courts, he doubted not but Juſtice hath been done; and it is his Majeſty's expreſs Will that all ſuch Abuſes, upon due Complaint, be reformed. And, for the Right and Validity of the ſaid Patent, his Majeſty underſtandeth that there is a Suit depending, wherein the ſame is brought in Queſtion, which hath been divers Days ſolemnly argued on both Sides, and is now ready for Judgment, wherein his Majeſty requireth the Court to proceed with all Expedition.

Impoſition

Impoſition upon Alehouſes. An. 8 James I. 1610. Grievance.

The Intent of that Ordinance was Matter of Reformation, becauſe Alehouſes did multiply over much by the Favour of Licences; and for the Profit, it was but an Incident which his Majeſty leaſt regarded; and that it might be done by Law, it was warranted by the Opinion and Advice of the Lord *Popham*, and the principal Judges of the Land; who, upon Conference with others, maintained that referring the Power of Licences to the Juſtices of the Peace, by the Statute, was not privative to the King's Power in that Caſe. But, ſeeing it is a Thing ſo much deſired to be removed, and eſpecially ſince it ſeemed to breed a Jealouſy in his loving Subjects of a Precedent of impoſing Payment upon them within the Land; let it be laid down and no more taken. Anſwer.

Monopoly of Licence of Wines, upon the Advantage of old and impoſſible Laws. Grievance.

The Law, though old, as they affirm, yet was ſtill in Force; and it ſeemeth the Commons, (if they will remember ſome of their late Proceedings) would be loath to diſclaim making uſe of old Laws. Nevertheleſs, at their Prayer (ſaving the Patent which they themſelves acknowledge to have been made in Favour of ſo great a Perſon and of ſo great Deſert) his Majeſty is content a Law be paſſed for reſtraining any ſuch Licence to be made in Time to come. Anſwer.

Theſe Conceſſions of the King make it appear that hitherto he was willing to keep in good Terms with his Parliament; and, though ſmall in themſelves, in Compariſon of the larger Demands of the Commons, yet they ſeem to pave the Way for a perfect Union between them. It is certain what the King was deſired to part with, were Things, ſome of them, that had been tranſmitted to him, through a long Series of his Predeceſſors; and

An. 8 James I. 1610.

others which had been ſet up, or laid on, in the Reigns ſince the *Reformation*; and, particularly, in the laſt. Who the Perſon was, mentioned in a Parentheſis of the laſt Anſwer, is uncertain; it ſeems to be either the Prince or the Duke of *York*; for *George Villiers*, afterwards Duke of *Buckingham*, did not make his Appearance at Court, till near five Years after this Period.

We may ſuppoſe that theſe *Anſwers* from the King, met with a favourable Reception by the Commons; for, though the *Journals* do not expreſs ſo much, yet, ſome few Days after, the Bill of Supply was ſent up by them, conſiſting of one entire *Subſidy* and one *Fifteenth* and *Tenth* from the Temporality.

A Supply granted.

On the ſame Day, *July* 17th, the Lord Treaſurer reported to the Houſe of Lords, 'That himſelf and ſome other Lords, not as Members of Parliament, but as Perſons otherwiſe intereſted in the King's Service, did the Night before acquaint his Majeſty with the Effect of a Conference, held that Afternoon, between the Committees of both Houſes; and that he had got the King's Reſolution on the Matter, under his Hand, which was alſo to be imparted to the Commons, and which he read to the Lords in theſe Words:

JAMES R.

Right truſty and well-beloved Couſins,

The King offers to accept of 200,000*l.* yearly, in lieu of Tenures, &c.

HAVING underſtood what hath paſſed in your Conference with our Lower Houſe, and peruſed the Memorial of your Deſires; we are now determined to anſwer you, in the Point of the Price, as it ſhall appear in whoſe Heart Sincerity is lodged.

Of the Particulars newly come to the Preſs, we preſume you have ſo well remembered what to impart to your Fellows, as it ſhall appear to them what Opinion we have of their Reſpect to our Honour; and how loath we would be for Money, to contract for thoſe Things, with which juſt and gracious Princes have been uſed to bind their Subjects. In the which

we

we do promise on the Word of a King, (whereof God is Witness to whom all Hearts be open) that howsoever those that cannot judge of a King's Heart, may feed themselves with false Fears and Jealousies, That Prince liveth not that more desireth to derive Strength from his Subjects than we do. And, therefore, after you have laid before them, how strange it is to us to be pressed in so many Things which have been left to the Grace of Princes; wherein we mean no more to vary from the ancient Greatness of our Progenitors, than they who are our Subjects can be content to do, who press still in all their Speeches to live More Majorum: *You shall take the Liberty, in our Name, to accept the Sum of* 200,000 l. *yearly, for all these Things which we have offered before, or have now vouchsafed to part with to you and them. In all which, we doubt not but you will make it appear how far we are contented to borrow of ourselves, for Satisfaction of our loving Subjects. And so we bid you farewell.*

An. 8 James I. 1610.

From *Theobalds*,
July 16, 1610.

Superscribed.

To our Right Trusty and Right well-beloved Cousins, and to our Right Trusty and well-beloved the Lords of the Higher House of Parliament.

This written Message from the King, being imparted to the other House, it produced more Conferences between the Committees, appointed to settle the Affair, called now the *Great Contract* between King and People. On the 19th of *July*, the Committee of the Lords proposed to the Commons, That the King might have Security in Land for the 200,000 *l. per Annum*; and that some Ordinance or Entry may be made, before the Recess of the House, which may both bind the King and them to the *Contract*, which their Lordships conceive to be already concluded; especially, since Time will not now serve to have it pass into an Act.

An. 8 James I. 1610.

July the 21ſt, the Lord Treaſurer acquainted the Lords, That he had received from the Committee of the Lower Houſe a Memorial, containing the Subſtance of the moſt material Points in the *Great Contract* with his Majeſty, and read the ſame to the Houſe. *Ordered*, 'That the like Inſtrument ſhould be drawn, as their Lordſhips Aſſent unto the ſaid *Contract*; wherein the ſame Power and Liberty ſhould be reſerved to his Majeſty and to the Lords, as the Commons had, by the ſaid Memorial, reſerved to themſelves; and therein the ſame Words to be expreſſed, *viz. Addendo*, *Minuendo*, *Interpretando*, *&c.*'

July the 23d, the Lord Treaſurer read to the Lords a Draught of a Memorial, penned by his Lordſhip, according to their laſt Order; which was approved of by the whole Houſe. And it was ordered that both the Memorials ſhould be regiſtred in the *Journal* Books of that Houſe. And, on that Day in the Afternoon, the King and Prince came to the Houſe; and after hearing a Speech, from the Speaker of the Commons to his Majeſty, on preſenting the *Subſidy* Bill, and other Bills, the King himſelf was pleaſed to make a ſhort Speech to both Houſes, (but full of Learning and princely Wiſdom, as the *Journal* expreſſes it) to this Effect:

'He firſt told them, That the Time was ſo far 'ſpent, that it was a ſufficient Excuſe for him to 'ſpeak without Preamble; therefore, he put them 'in Mind that at their laſt Attending of him at '*Whitehall*, he then, by his own Mouth, promiſ-'ed them that he would, before the breaking up 'of this Seſſion, give them Anſwer to ſuch other 'of their *Grievances* as they of the Lower Houſe 'had preſented unto him, and which, then, he 'did forbear to anſwer.' Then the Clerk was commanded to read his Majeſty's moſt gracious *Anſwers* to the *Grievances* aforeſaid, which were as follow:

But, before we give this long Account of Grievances and Anſwers, as they are entered in the Lords

Lords *Journals*, it is proper to look back into the Proceedings of this Seſſion of Parliament; in which, beſides the *Subſidy*-Bill, ſix Shillings in the Pound, granted by the Clergy, was alſo confirmed. In the printed Statutes, are 24 public Acts mentioned; and in the Lords *Journals* are the Titles of 15 private ones which were paſſed, but few or none of them material enough to deſerve Mentioning. An. 8 James I. 1601.

We now conclude all the Proceedings of this Seſſion, worth our Notice, with the following Memorial, extracted from the *Journals* of the Houſe of *Lords*; which, by his Majeſty's Command, was read to both Houſes, on the laſt Day of this Seſſion of Parliament. After the Reading of which, the Lord Chancellor, by another Command, prorogued this Parliament to the 16th Day of *October* next enſuing.

His Majeſty's Anſwers delivered to the whole Aſſembly of both Houſes, the 23d of July, 1610, *unto certain Grievances formerly delivered to his Majeſty by the Knights, Citizens, and Burgeſſes of the Commons Houſe of Parliament.*

His Majeſty's Anſwer to other Grievances, at the Prorogation of the Parliament.

'TOUCHING the Execution of the Laws of this our Realm made againſt Jeſuits, Seminary Prieſts, their Receivers, and all other Popiſh Recuſants, we have ſo ſufficiently expreſſed our Care and Reſolution in our Writings, and in our late Proclamation; as alſo in our late Speech concerning this Point, as we ſhall not need to give any further or more particular Anſwer in that Behalf.

'There hath never been hitherto any particular Church in the World (for ought that we have read or heard) that hath allowed ſuch Miniſters to preach in it as have refuſed to ſubſcribe to the Doctrine and Diſcipline ſettled in it, and maintained by it; and hereof the Reformed Churches in *France* do yield a freſh Example, who have and do daily require Subſcription to the Articles of their Synods, though very many in Number, nevertheleſs, as in our own princely Judgment;

An. 8 James I. 1610. ‘ we ever intended to make ſome Diſtinction be-
‘ tween the Perſons and Diſpoſitions of the deprived
‘ and ſilenced Miniſters, in regard of better Hope of
‘ Conformity in ſome than others, although they
‘ be in the ſame Degree Offenders by our Laws;
‘ ſo we ſhall be pleaſed, when we know the Num-
‘ bers, the Names and Qualities of theſe for whom
‘ this Petition is made, to take ſuch Order in that
‘ Behalf, as in our princely Wiſdom we ſhall hold
‘ moſt fit and convenient for the Good and Peace
‘ of the Church.

‘ Although never any Chriſtian King had in
‘ greater Deteſtation the covetous and immoderate
‘ heaping of many Benefices together, eſpecially
‘ where the Neglect of the Cure is joined there-
‘ with; yet it cannot be expected at our Hands,
‘ that we ſhould in this, more than in any other
‘ Caſes, abridge any of our loving Subjects of that
‘ which they have in expreſs Words granted unto
‘ them by the Laws of this our Realm; or if we
‘ might lawfully in this Caſe ſo do, yet we ſhould
‘ not hold it convenient, until ſome farther Pro-
‘ viſion be made that the Benefices of this Realm
‘ might be made competent Livings for godly
‘ Miniſters and learned Preachers; and that with
‘ ſome Difference in Proportion anſwerable to their
‘ Gifts and Merits. In the mean while, the
‘ Number of Miniſters now qualified to enjoy two
‘ Benefices, with Cure, will be greatly diminiſhed,
‘ if ſuch as have Power to qualify, would abate
‘ the Number of their Chaplains allowed them by
‘ Law, as we are reſolved for that Cauſe to abate
‘ ours; beſides we will lay ſtrict Charge upon the
‘ Biſhops, under Pain of our Diſpleaſure, that
‘ ſuch Miniſters as either now have, or hereafter
‘ ſhall have, two Benefices, with Cure, ſhall
‘ carefully obſerve the 41ſt and 47th Conſtitutions,
‘ confirmed by us *Anno* 1603, whereby it is pro-
‘ vided that every ſuch Parſon as hath two Bene-
‘ fices ſhall (where he doth not reſide) maintain a
‘ Preacher, lawfully allowed, that is able ſuffi-
‘ ciently

'ciently to teach and inſtruct the People in his 'Abſence; and in caſe the Biſhop upon Com- 'plaint made unto him, ſhall neglect his Duty in 'taking Order with ſuch as have ingroſſed Bene- 'fices into their Hands, or ſhall not have pro- 'vided for the ſerving of the Churches with ſuffi- 'cient Preachers in their Abſence, upon Informa- 'tion given thereof to ourſelves, we ſhall make 'it appear how much we diſlike ſuch Neglect, 'and how much we tender a Reformation in ſuch 'Caſes. An. 8 James I. 1610.

'By Occaſion of the Conference at *Hampton-Court*, in the Beginning of our Reign, and upon 'ſome other Complaints, our Clergy, by our 'Direction, made a Conſtitution with a Condi- 'tion which we confirmed; wherein they ſhewed 'themſelves very willing to forbear the Cenſure 'of Excommunication for Contumacy, where 'the original Cauſe was of no great Weight, and 'of private Intereſt, ſo as there might be a Law 'made whereby Contumacy in ſuch Caſes might 'otherwiſe be ſufficiently puniſhed. And accord- 'ingly they cauſed a Bill to be drawn for that 'Purpoſe, and exhibited unto the Lower Houſe, 'which found no Paſſage there; nevertheleſs, 'when ſuch a Bill ſhall be hereafter agreed upon as 'may enable our Eccleſiaſtical Judges condignly to 'puniſh the ſaid Contempts, in the Cauſes men- 'tioned, otherwiſe than by Excommunication, and 'ſo produce the Reformation which is ſo much 'deſired, we ſhall be pleaſed to give our Royal 'Aſſent unto it, ſo as it ſhall reſt in our Hands to 'effect that which is deſired.

'Touching the Inconvenience and dangerous 'Extent of the Statute 1 *Eliz. Cap.* I. our ap- 'proved Care for the well ordering of Eccleſiaſti- 'cal Courts and Cauſes, ought to baniſh from the 'Conceits of our loving Subjects, all needleſs 'and imaginary Fears; nevertheleſs, we are pleaſ- 'ed to aſſure them by our Royal Promiſe, that our 'Eccleſiaſtical Commiſſions ſhall not be directed 'to ſingular Perſons, but to ſuch a Number of

An. 8 James I. 1610. ‘ Commissioners, and them so selected as the ‘ Weight of such Causes doth require; and that ‘ no definitive Sentence be given or pronounced ‘ by such our Commissioners under the Number ‘ of seven of them, sitting in Court, or five at the ‘ least, and that only in Case of Necessity. And ‘ further, that we shall not take Advantage by ‘ any Power given us by that Statute, to grant ‘ forth any Forms of Commissions extending fur- ‘ ther than to Imprisonment, and reasonable Fine: ‘ And likewise that we shall restrain such our se- ‘ veral Commissions to the Number of two, the ‘ one for the Province of *Canterbury*, and the ‘ other for that of *York*; besides we are resolved ‘ to establish an Order touching the Use and Prac- ‘ tise of our said Commissions, as that none of our ‘ loving Subjects shall be drawn from remote Pla- ‘ ces, either to *London* or *York*, except it shall be ‘ for such exorbitant Offences as are fit to be made ‘ exemplary, and for the Enumeration of Eccles- ‘ astical Causes in particular; and as it is a Matter ‘ full of Difficulty, so it is needless, as we suppose, ‘ considering that they are already so limited and ‘ confined that no ancient Canons or Spiritual Laws ‘ are in Force, that are either contrary to the Laws ‘ or Customs of this Realm, or tend to the Da- ‘ mage or Hurt of our Prerogative Royal.

‘ For the Grievances apprehended in the Com- ‘ mission. First, a Sovereign King being *Mixta Persona*, and having Authority, as well in Causes ‘ Ecclesiastical as Temporal, it was with great ‘ Wisdom ordained, Matters of the Church be- ‘ ing many Ways impugned, and the Censures of ‘ it grown into Contempt, that there should be a ‘ Commission, consisting as well of Temporal as ‘ Ecclesiastical Persons, who might have Power ‘ for one Offence at one Time, and by one Sen- ‘ tence, to inflict as there should be Cause, both a ‘ Spiritual and Temporal Punishment. But as to ‘ the Enquiry by Juries, it hath not for many ‘ Years been practised, and we are content that ‘ hereafter it be omitted in our Commission. And

‘ concerning

'concerning Appeals, the Uſe hath always been 'to exclude them in Commiſſions of this Nature; 'and yet, if any of our Subjects ſhall be juſtly 'grieved with any Sentence given by our Com- 'miſſioners, we ſhall be content as we find juſt 'Cauſe, to grant unto them a Commiſſion of Re- 'view: Alſo for the Execution of divers Statutes 'aimed at in your Grievances, altho' it hath been 'from Time to Time committed, in ſome Sort, 'unto our Commiſſioners; and that every ſuch 'Commiſſion hath been ſtiled and penned by the 'Attorney-General, with the Advice of the 'chiefeſt Temporal Judges; yet we are well 'pleaſed, and will give Commandment accordingly, 'that our Temporal and Eccleſiaſtical Judges, 'aſſiſted with our learned Council, ſhall confer 'together, concerning the Exceptions by you 'taken, to the End that hereafter our ſaid Com- 'miſſioners may have no further Power to inter- 'meddle with the Execution of any Part of the 'ſaid Statute, than it ſhould be found fit for our 'Service, neceſſary for the Suppreſſing of Popery 'and Schiſm, and no Ways repugnant to the 'Laws and Policy of this our Kingdom. But 'for making any Innovations in the Forms and 'Proceedings heretofore uſed by our ſaid Com- 'miſſioners, we know no Cauſe to depart therein 'from the Example of our Progenitors, nor from 'that which the Laws of this our Kingdom hath 'approved; and touching Fees, ſince it is a Court 'by Statute erected, and no Fees in the Statute 'expreſſed, it was very fit that the Commiſſioners 'ſhould have Authority to limit and appoint to 'every Officer his reaſonable Fees, and we will 'commend the further Care thereof to ſome prin- 'cipal Perſons of our Commiſſion to take a View 'of them; and as to reform what they find amiſs, 'ſo to eſtabliſh ſuch as ſhall be moderate and 'reaſonable.

An. 8 James I. 1610.

'Touching the Grievances found in the Exe- 'cution of the Commiſſion, we know that there 'is no Commiſſion nor Court, either of Eccleſiaſ-

An. 8 James I. 1610. ‘ tical or Temporal Jurisdiction, but may be subject more or less to Abuse in the Execution of ‘ their Authority; nevertheless, it is our Part to ‘ have our Ear open to receive Complaints of that ‘ Kind, especially from our Parliament, when we ‘ shall find them to be just; and therefore our ‘ Purpose is to see such Reformation to be made ‘ of all Abuses in the Execution of the said Commission, as may best procure the Ease of our ‘ Subjects from Charge or Vexation, and such Punishment to be inflicted on Pursuivants, or other ‘ inferior Ministers, which shall be Offenders, as ‘ may repress such Misdemeanors in Time to ‘ come.

‘ It is our princely Care and Office to uphold ‘ and maintain all the Courts of Justice, both Ecclesiastical and Temporal, within this our Realm; ‘ that none of them encroach upon the other, but ‘ keep itself within the true Bounds and Limits ‘ thereto appertaining. Neither is it unknown ‘ (we suppose) to the whole Realm, what Pains ‘ we have already taken to that End; and we propose (God willing) therein to persist, until we ‘ shall settle a certain Order as well concerning ‘ Prohibitions, as the Incidents thereunto belonging, ‘ that no one of our Courts may be prejudiced by ‘ another. And that (all late Inventions and Novelties on all Sides eschewed) Prohibitions may ‘ freely proceed from such Courts, in such Causes ‘ and in such Form, as by the ancient Laws of the ‘ Realm hath been accustomed.

‘ And touching Writs of *Habeas Corpus*, and ‘ *Homine Replegiando*, our Pleasure is, that they ‘ be granted according to Law.

‘ Although we know well that by the Constitutions of the Frame and Policy of this Kingdom, ‘ Proclamations are not of equal Force, and in ‘ like Degree as Laws; yet, nevertheless, we think ‘ it a Duty appertaining to us, and inseparably ‘ annexed to our Crown and regal Authority, to ‘ restrain and prevent such Mischief and Inconveniences as we see growing in the Common-

‘ Wealth;

'Wealth; againſt which no certain Law is extant, 'and which may tend to the great Grief and Pre- 'judice of the Subjects, if there ſhould be no Re- 'medy provided until a Parliament; which Prero- 'gative our Progenitors have in ancient, as well 'as later Times, uſed and enjoyed. But if ſithence 'the Beginning of our Reign, Proclamations have 'been more frequent than in former Times, or 'have extended further than is warranted by Law, 'we take it in good Part to be informed thereof 'by our loving Subjects, and take it to Heart as a 'Matter of great Conſequence; and therefore we 'will have Conference with our Privy Council, 'and with our Judges and learned Council, and 'will cauſe ſuch our Proclamations as are paſt, to 'be reformed where Cauſe ſhall be found; and for 'future Time will provide that none be made 'but ſuch as ſhall ſtand with the former Laws or 'Statutes of the Kingdom, and ſuch as in Caſes 'of Neceſſity our Progenitors have, by their Pre- 'rogative Royal, uſed in Times of the beſt and 'happieſt Government of this Kingdom. An. 8 James I. 1610.

'Our Deſire is, that all our Subjects univerſally 'may be governed by the Laws that make beſt for 'the Peace and Quiet of the Country where they 'live, and whereby Juſtice may be equally and 'ſpeedily adminiſtred, as well to Poor as Rich, 'with leaſt Charge and Expence; and for thoſe 'four Counties for which Suit is now made to 'have them exempted from the Juriſdiction of 'our Council in *Wales*, and the Marches of the 'ſame, we conceive it to be a Matter of very 'great Importance; for it tendeth to the Altera- 'tion of a ſettled State of Government, continu- 'ed by the Space of many Years, in the Times of 'divers Kings and Queens, our Predeceſſors, ad- 'viſed by as wiſe and judicious Privy Counſellors, 'and executed and put in Uſe ever ſince the mak- 'ing of the Statute 34 *Henry* VIII. that gave 'Strength to the Government, by many as grave, 'reverend and learned Judges as this Realm ever 'had, who lived at and neareſt the Time of the

'ſaid

An. 8 James I. 1610.

'said Statute, and thefefore beſt underſtood the 'Senſe and Meaning of it. Therefore we find 'our Crown, upon ſo good Grounds, ſo long 'poſſeſſed of that Form of Government in thoſe 'Parts; and having holden one conſtant Courſe, 'ever ſithence our coming, to keep the State of all 'Affairs of this Realm, and eſpecially of Juſtice 'and Government, the ſame we found; to the End 'there might, in a manner, be no Shew of Change 'by us (which hath been juſtly obſerved as an ap-'parent Mark of God's Bleſſing upon us and our 'Kingdom,) we have retained and continued ſtill 'the ſame Government in thoſe Counties, with fit 'Moderation by your laſt Inſtructions; holding 'it both juſt and convenient, as well for thoſe as 'all other Parts whereunto it is applied. Never-'theleſs we will take Time, and inform ourſelf 'of all Things that may lead our Judgment to 'the beſt ordering of a Cauſe of ſo great Weight 'and Conſideration, and will thereupon reſolve 'and do as we ſhall find anſwerable to Juſtice and 'Policy of State, which cannot be ſeparated; 'always profeſſing for the Satisfaction of our lov-'ing Subjects in general, that as we are and ought 'to be ſlow to put down or alter thoſe Courts 'and Governments, which the Wiſdom of former 'Times hath eſtabliſhed; ſo we are firmly re-'ſolved never to erect in any other Parts of the 'Realm, any like Courts, or provincial Councils, 'except it be by Aſſent of Parliament; and for 'full Aſſurance thereof, we will yield to any Se-'curity that by Act of Parliament ſhall be rea-'ſonably deviſed.

Martii 26, 1610.

Memorial concerning the Great Contract *with his Majeſty, touching* Tenures *with the Dependants,* Purveyance, &c. *delivered by the Committees of the Commons Houſe unto the Lords.*

Demands in Matters of Tenures, *&c.*

'The Deſire, in general, is to have all Knights 'Service, turned into free and common *Soccage.*

'In

'In particular some Tenures more properly con- An. 8 James I. 1610.
'cern the Person, some the Possession.

Concerning the Person, viz.

'Grand Serjeanty, wherein, though the Tenure 'be taken away, yet the Service of Honour to be 'saved, and the Tenure *per Baroniam*, as it may 'concern Bishops or Parsons, or Men in Parliament, to be considered.

'Petty Serjeanty, Escuage certain and uncertain, to be taken away.

'Castle Guard. That Castle Guard which 'rests in Rent to be saved.

'All Knights Services General, both of King 'and common Persons.

'Homage ancestral and ordinary, with the Respite of them; both these to be taken away, only the Coronation-Homage to be saved, not in 'respect of Tenure but of Honour.

'Fealty. The Form of doing Fealty not yet 'resolved of.

'Wardship of Body.
'Marriage of the Heir, } These to be taken away.
'of the Widow.

'Respite of Fealty to be taken away.

Concerning the Possession, viz.

'Wardships and Custody of Lands to be taken 'away.

'Primier Seisin to cease.

'Livery *Ouster le Main*, to be taken away so 'far as they concern Tenures, or Seizure by reason of Tenures, other than for Escheats.

'Licence of Alienation upon Fines, Feofments, 'Leases for Life, and other Conveyances.

'Pardon of Alienation, Pleading *Diem clausit 'extremum*, *Mandamus*, *Quæ plura devenerunt*, '*Offices post Mortem*, *Inquisitiones ex Officio*, except 'for Escheats.

'Also all concealed Words *de futuro*, all In'structions, all Alienations past, all Bonds and

'Covenants

An. 8 James I. 1610.

‘ Covenants for Performance of what tends to ‘ Knights Service; all these to be determined.
‘ The like for Wards of common Persons, *viz.*
‘ All Wards now in being, or found by Office, ‘ or which shall be found by Office before the Con- ‘ clusion of this Contract, and whose Ancestors died ‘ within three Years before, these to be saved.
‘ Relief upon Knights Service to cease.
‘ Patentees that pay a Sum, or pay Tenths or ‘ Fee-Farms. These not to double their Rent ‘ upon a Relief to be paid.
‘ Escheats, Heriots, Suit of Court Rent, Work- ‘ Days, and such Services; these all to remain.
‘ Aid to the King to remain, but limited in a ‘ certain to 25,000 *l. cum acciderit.*
‘ Aids to common Persons to cease.

Die Martis 26 *Junii*, 1610.

‘ If any Body Politick or Corporate, or other ‘ Person or Persons, or any from or under whom ‘ they claim, have had Possession, and been re- ‘ puted Owners by the Space of sixty Years, and ‘ neither the King nor his Progenitors, nor any ‘ other for him or them have had Possession, ‘ by taking of Profits by the Space of one whole ‘ Year, without Interruption, within sixty Years, ‘ the King's Title before that Time shall be ‘ extinguished; and such Possessor or reputed ‘ Owner of the Inheritance shall hold the In- ‘ heritance against the King's Majesty, his Heirs ‘ and Successors; and against his Patentees, and all ‘ claiming from, by, or under him or them, or any ‘ of his Progenitors; and if the King's Majesty, ‘ or his Progenitors, have been in Possession only ‘ of a Rent reserved upon Arrentation of Assarts, ‘ or Waste Grounds in Forests or other Lands, ‘ or upon some Grants in Fee-Farm: And any ‘ Body Politick or Corporate, or other Person, ‘ have enjoyed the Lands, Tenements, or Here- ‘ ditaments for which such Rent is paid, by the ‘ Space of sixty Years and more, as his own pro-

‘ per

'per Soil and Inheritance, the King's Majesty, his Heirs and Successors, shall enjoy the said Rent only; and the reputed Owners shall hold the Inheritance according to the several reputed Estates; and all others claiming or pretending Title under any that shall gain the Inheritance against the King by this Law, either for Years, Life, Entail, or for other Estate, either at the Common Law, or, according to the Custom of any Manour, shall hold and enjoy the same, according to their former supposed Estate. An. 8 James I. 1610.

'And it was thought reasonable that some Course be thought upon concerning such as pay the King any Rents for Land, as Chief Lord, or otherwise, having had, by the Space of sixty Years or more, the Freehold and Inheritance of the said Lands in themselves, or such from whom they claim that Claim, that, by Colour of such Rent received, the King should not be entitled to the Inheritance.

'And, that some Course may be taken for Limitation of Entries, and Actions of Rights, and Titles of Lands, belonging to the Duchy of *Cornwall*, Principality of *Wales*, and Counties of *Chester* and *Flint*; and, namely, That some Provision be made for it in the Patent now shortly to be passed to the Prince of *Wales*, that such as have been reputed of the Inheritance, and had Possession above sixty Years, shall not be impeached.

Patentees to be concluded, in like Sort, as if the Estate had still remained in the King.

1. 'That Letters Patents of his Majesty, his Heirs and Successors, and other his Progenitors, not heretofore made void by Judgment, or such Entry as hath been made known by one Year's Continuance of Possession, shall be continued, and taken most beneficially for the Patentees, their Heirs and Assigns; in Case any Estate of Inheritance be passed, and for the Patentee, his

'Executors,

An. 8 James I. 1610. ‘ Executors, Administrators, and Assigns, to whom ‘ any Lease hath or shall be made, according to ‘ the Purport of the said Letters Patents or Lease; ‘ and no other Exposition to be made of any Pa- ‘ tent, Grant, or Lease, of the King, or his Pro- ‘ genitors, but such as the Law makes in Grants, ‘ and Leases, made by common Persons, any col- ‘ lateral Matter, common Rule, or Maxim to the ‘ contrary notwithstanding.

2. ‘ And that all Letters Patents, Grants or Lea- ‘ ses, from henceforth shall be expounded, constru- ‘ ed, taken or adjudged, to pass all Rights, Titles, ‘ Estates, and Interests, whatsoever the King, at ‘ the Time of the said Letters Patents made, might ‘ have passed as King or Duke; and that such ‘ Grants as have been made under the Duchy-Seal ‘ of *Lancaster*, of Land reputed Duchy-Lands, ‘ by the Space of sixty Years, shall be good not- ‘ withstanding the King have any other Title ‘ hereunto, in Right of his Crown or otherwise.

3. ‘ That the King or any Patentee of the King, ‘ his Heirs or Successors, shall not take any Forfei- ‘ ture of his Estate for Non-payment of Rent, but ‘ only shall have a Penalty of double the Rents; ‘ but that the Lessee shall enjoy his Estate against ‘ the Patentees as he did under the King; and that ‘ Leases made upon Suggestion of Surrenders, may ‘ not be overthrown for Defects or Imperfections ‘ of or in the Surrender, or for Want of Sur- ‘ render.

4. ‘ The Subject upon every Information of ‘ Intruction be admitted to plead the general Issue, ‘ *not guilty*; and not be forced to any special Plea; ‘ neither shall any Injunction in respect of such ‘ Plea be granted, to turn him out of Possession, ‘ having had Possession by the Space of one Year ‘ before.

5. ‘ The Point concerning penal Laws and In- ‘ formers, shall be ordered as shall be most for the ‘ Benefit and Ease of the Subjects, preserving the ‘ Force of the Law, and a Course to be establish- ‘ ed

ed for due Execution thereof, and inflicting the Penalty. An. 8 James I. 1610.

6. 'All Purveyance and Takings for his Majesty's Use, the Queen, the Prince, and all other the King's Children, and for all Offices, Courts, Councils, and Societies whatsoever, to be utterly taken away, as well Purveyance and Taking of Houshold, Stable, Navy, Servants, Labourers, and all other Provisions; and also, for Carts, Horses, and Carriages, both by Land and Water; and, generally, all Purveyances and Takings for whomsoever, whatsoever, of what Name or Nature soever, to be for ever extinguished; the Composition for the same to be all dissolved and released; the Clerk of the Market, and all others, to be disabled for setting any Prices; the Power and Prerogative of Pre-emption to be determined, not intending hereby the Pre-emption of Tin.

'What Regard shall be had to the Merchant-Stranger in this Point, to be left to further Consideration.

7. 'That his Majesty would be pleased to pardon, release, and discharge all old Debts, due to him or any of his Progenitors, before the 30th Year of the Reign of our late Sovereign Lady Queen *Elizabeth*: And that hereafter every Subject, sued or molested for any Debt due to his Majesty or his Progenitors, or that shall grow due to his Heirs, may plead that the same Debt or Sum of Money sued for, or demanded, became due to the King or his Progenitors, by the Space of ten Years past; and that the same, in the mean Time, hath not been sued for in any of the King's Courts, and that the same appearing to be true or so proved, shall be a good Plea in Bar.

8. 'All Pre-Fines, and Post-Fines, due upon Alienation, by Fine or Recovery, to be taken away.

An. 8 James I. 1610.

16 *July*, 1610.

'That where any Man shall be outlawed, at 'the Suit of a common Person, before Judgment 'or after, the Plaintiff first, and all others after 'him in Order as they desire, all may be paid 'their just Debts out of the Forfeiture grown to 'the King, before the King, or any other take any 'Advantage of such Forfeiture.

'In like Manner, in all Attainders of Felony 'and Treason, all Creditors to be satisfied for their 'just Debts, out of the Estates of the Persons at-'tainted.

'That the Clause in the Statutes 34 and 35 '*Hen.* VIII. by which the King hath Power to 'alter the Laws for *Wales* and make new, be re-'pealed.

In the Interim till our next Access;

'No Man to be questioned or troubled for any 'Land upon defective Titles, either upon Pretence 'that the Patent is void, or for Assart Lands, and 'such like, which have had long Possession and 'no Patent.

'No Man to be questioned for Land gained by 'the Sea, be it ancient or new.

'No concealed Ward to be sought after, nor 'any to be questioned, after the Death of whose 'Ancestors an Office hath not been found with-'in ten Years.

'No Man to be questioned for old Debts,

'Nor Alienations without Licence,

'Nor be confined to plead his Licence, or 'Title, or Tenure, in the Exchequer.

18 *July*, 1610.

'1. That whereas the House of Commons have 'already, among their Grievances, preferred a Pe-'tition to his Majesty, as of Right and Justice, 'that the four *English* Counties may have a Trial 'by Law, concerning their Inheritance to the 'Common Laws of this Realm, and so to be ex-

'empted from the Jurisdiction of the President and Council of *Wales*, (a Matter wherein the whole Realm is deeply interested) notwithstanding, upon occasion of this great Contract, the House of Commons doth humbly petition to his Majesty, as of Grace, that without further Suit, Trial, or Trouble, those Counties may be restored to that their ancient Right, the same being no way prejudicial to his Majesty's Honour, in Point of Sovereignty, (as we conceive,) as being alike to his Majesty in which of his Courts his Subjects have their Trials; and in Profit much less: But rather being a Matter of greater Benefit to his Majesty, in the Duties due for Suits in his Courts at *Westminster*, and to his Majesty's loving Subjects there, it will be a Matter of great Comfort, and of enabling them the better to perform their Part of this Contract, by easing them of much causeless Vexation and Charges, which in trifling Suits they now bear and endure. An. 8 James I. 1610.

2. 'The King to be bound upon Demurrers, 'to express the Cause of Demurrer for Form, as 'the Subject is by the Statute 27th *Eliz.*

3. 'Petition to be made to his Majesty to grant 'out Commissions, to declare the just and due 'Fees of all the Courts and Offices in this Realm, 'so far forth as they are to be paid by the Subject; 'and they to be reduced into a Book and printed.

4. 'His Majesty also to be petitioned to appoint 'some to make a diligent Survey of all the penal 'Statutes of this Realm, to the End that such as 'are obsolete or unprofitable may be repealed; 'and this for the better Ease and Certainty of the 'Subject; all such as are profitable concerning one 'Matter, may be reduced into one Statute to be 'passed in Parliament.

5. 'The Lords to join with the House of Commons in Petition to his Majesty, for Recompence 'to be made by his Majesty to all such Officers of 'Courts, as are damnified by this Contract in 'Point of Tenures.

An. 8 James I. 1610.

20 *July*, 1610.

6. 'His Majesty to be petitioned that he will 'be pleased to grant no Protections contrary to 'Law.

'That the Extent of every Article that is decreed for the Good of the Commons in this 'great Contract with his Majesty, should be expounded and explained in all Causes doubtful, 'by the House of Commons, according to their 'true Meaning.

'Reservation to be made of further Addition at 'the next Session, of any Proposition within the 'Bounds agreed on: *viz.* Not to impair his Majesty's Honour, in Point of Sovereignty, nor to 'diminish his Estate, in Matters of Profit, without Recompence for the same.

21 *July*, 1610.

Answer to the Lords three Propositions, *viz.*

1. *What Assurance his Majesty shall have of* 200,000 *l. yearly Revenue.*

Answer, viz.

'Not having resolved yet whereupon to raise 'this Revenue, nor in what Manner to levy it, 'thus much we are resolved of, That it shall be 'stable and certain to his Majesty, and convenient 'for his Majesty's Officers to receive and gather it.

2. *What Matter of Content in the Interim shall be brought down into the Country.*

Answer, viz.

'First, to the meaner Sort, the assuring them 'that nothing shall be levied upon their ordinary 'Victuals; *viz* Bread, Beer, and Corn, nor upon their handy Labours. Secondly, to the better Sort, the View of these Things, which in 'Lieu of that Sum, we shall receive from his Majesty, whereof Copies to be taken down by such 'as please. Thirdly, in General to all, his Majesty's gracious Answer to our Grievances.

3. *What*

3. *What Courſe now for the ſettling of this great Contract and proceeding in it.* An. 8 James I. 1610.

Anſwer, viz.

'First of all, we proceed now by Addition of 'ſome more Articles, which together with the 'former in one entire Copy, we will preſent to 'the Lords. Secondly, for the ſettling of it at 'our Return to find it as we leave it, we will en-'ter in our Book, 1. What we have demanded, '*viz.* Theſe Articles. 2. What we have reſolv-'ed to give therefore to his Majeſty, *viz.* '200,000*l.* by the Year. 3. The Security to be 'by Act of Parliament, in as ſtrong Sort as can 'be deviſed. 4. The Manner of Levying it, to 'be in ſuch Sort as may be ſecure to his Majeſty, 'and in the moſt eaſeful and contentful Sort to the 'Subject, as by both Houſes of Parliament can 'be deviſed.

Memorial concerning the great Contract with his Majeſty, touching Tenures, with the Dependents, Conveyance, &c. conceived by the Direction of the Lords of the Higher Houſe of Parliament, viz.

'Whereas the Knights, Citizens, and Burgeſ-'ſes of the Lower Houſe of Parliament, have this 'Day, by Committee, delivered to the Lords 'Committees of this Houſe, a Memorial by them 'conceived and put in Writing, containing cer-'tain Articles concerning the great Contract with 'his Majeſty, which, during this Seſſion of Parlia-'ment, hath long and often been in Speech and 'Debate between their Lordſhips and them, as well 'on his Majeſty's Behalf, as for the Intereſt of their 'Lordſhips, and of the ſaid Knights, Citizens, 'and Burgeſſes; by which Contract, they are tied 'to aſſure unto his Majeſty, his Heirs and Succeſ-'ſors, the Sum of 200,000*l.* Sterling, in yearly 'Revenue, in Satisfaction of the great yearly Profits 'which his Majeſty hath, or may make, as well in 'reſpect of the Wardſhips of the Bodies and Lands

An. 8 James I. 1610.

'of his Subjects, and all other Incidents to Tenures, as of the Benefit arising by Poſt-Fines, defective Titles, Aſſarts, and many other Immunities and Privileges, together with the extinguiſhing of Purveyances, (all tending to the Profit and Eaſe of his Majeſty's Subjects,) in the Concluſion whereof there is this Clauſe inſerted, *viz. That the Extent of every Article, that is deſired for the Good of the Commons, in this great Contract with his Majeſty, ſhould be explained and expounded in all Clauſes doubtful, by the Houſe of Commons, according to their true Meaning.*'

'And, whereas at the Preſenting of the ſame Memorial, it was alſo delivered in the Name of the Lower Houſe, by Sir *Edwyn Sandys*, that, notwithſtanding the ſaid Clauſe inſerted, it was not intended to make any Queſtion of the Price, or of any main Part of the Contract, becauſe they were agreed in the Subſtance; but only to receive ſome Liberty for the Expoſition of the Extent of ſome Branches, which contained thoſe Requeſts which they had made under that Liberty; (which his Majeſty gave them to propound ſuch other Things as ſhould not derogate from his Honour or Profit) in all which they deſired alſo by the Mouth of Sir *Edwyn Sandys*, to retain Liberty, *addendo*, *minuendo*, *et interpretando*.'

'And, whereas it was alſo delivered by the Gentleman aforeſaid, that the Lower Houſe were reſolved at the End of this, to deliver a clear Anſwer; that is to ſay, concerning the King's Aſſurance, tho' for the Manner of Levy, they had not yet taken the ſame into Conſideration in the Abſence of their Fellows; yet of this one Thing, they did deſire their Lordſhips to remain aſſured, that it was their full Intention and Reſolution that his Majeſty's Revenue, depending upon this Contract, ſhould have theſe two Qualities; one that it ſhould be a Revenue firm and ſtable; another that it ſhould not be

'difficult

'difficult in the Levy. In both which they assured themselves, they did fully answer the Meaning of that Speech which made mention of *Terra Firma*.' An. 8 James I. 1610.

'And, Forasmuch, as the Knights and Burgesses of the Lower House, have also acknowledged (and that most truly) that they did always understand themselves bound to limit themselves, so carefully, in all Things which they have sought for, or shall do, not being particularly expressed at the Time that they did accept of the Price, as not to demand or expect any Condition, whereby his Majesty should lose either Honour or Profit, as aforesaid.'

'The Lords also who are likewise in their own particular Estates and Possession, (beside the Care of the Publick Good) no less interested in the said great Contract than they, and by their eminent Places and Degree, are more strictly bound to take care of those Things which do particularly concern the Honour and Revenue of the Crown than others are, have now, upon good Advice and Deliberation, thought fit and necessary, not only, to acknowledge their personal Consent to the substantial Parts of this Contract, but with the Privity of his Majesty, as an Argument of his Consent, given Order likewise, for an Entry to be made of the same Memorial, in Manner as is aforesaid; that is to say, with the same Reservation, which was verbally desired by them in these Words, *addendo, minuendo, et interpretando*; and, with that Reservation which is contained in the latter Clause of their Memorial, *viz. That the Extent of every Article, that is desired for the Good of the Commons, in this great Contract with his Majesty, should be expounded and explained in all Causes doubtful, by the Lords of the Higher House, for the Good of his Majesty and themselves*.'

In this Situation did this Grand Affair, between the King and People, stand at the End of the last

An. 8 James I. 1610.

Session; and, by the Demand of the Subject and the Monarch's Answer, it seemed as if a Contract might have been concluded at their next Meeting.

The Commons, in this last Session, had bartered long for 180,000 *l. per Annum* to be paid the King for these Liberties; and at last came up to the Price demanded (200,000 *l.*) but it was all to no Effect.---The same Parliament met again on the 16th Day of *October*, the time limited by the last Prorogation; which was still in the eighth Year of this King, or *Anno* 1610.

The Parliament meet, after Prorogation.

We have now no other Authority to go by, for the Proceedings of the ensuing Session, than the *Lords Journals*; those of the *Commons* being lost: And it was some Days after the Meeting, on the 23d of *October*, that the Business of the Great Contract was resumed by the Lords; who, as their *Journals* express it, thought good to begin with the greatest and most weighty Matter now depending in Deliberation; concerning, as well *Tenures*, with their Dependants, as *Purveyors* and other Things; in the State that Affair was left at the breaking-up of the last Session. Their Lordships agreed to send a Message to the Commons to desire a Conference, by Committees of both Houses, in order to bring this weighty Business to a happy Conclusion. Answer was returned by the Commons, that they accepted of the Lords Proposal: *October* the Twenty-fifth was appointed for that Purpose. Afterwards, on the Lord Chancellor's Motion, it was ordered That all the Lords then in Town, and not present, should be warned and required by the House, to give their personal Attendance, on that Day at the Hour fixed, which was between Nine and Ten in the Morning.

And proceed to consider the Great Contract relating to Tenures, &c.

At the Time appointed, there appeared in the House according to the List, eleven Bishops, twelve Earls, one Viscount, twenty-five Barons. The first Thing they did was to name a Committee: Next, was read, openly, the *Memorial*, concerning the Great Contract, as it was given in the last Session, by Direction of the *Lords*; as, also,

the

the *other Memorial*, which was delivered at the End of the laſt Seſſion by the Committee of the *Commons*. Then the Lord Chancellor put the Lords in mind of the State of the Buſineſs concerning the ſaid Contract; and moved that their Lordſhips would now give their Advice what ſhould be ſpoken, that Afternoon, to the Committee of the other Houſe, touching the Premiſſes, and by whom the ſame ſhall be delivered. And, becauſe this Matter is of ſuch great Moment, his Lordſhip wiſhed the Debate thereof might be by way of Interlocution; to that Purpoſe the Houſe to be adjourned, and the Lords to ſit as in a Committee; which was generally approved and agreed to. An. 8 James I. 1610.

After a ſhort Adjournment, the Houſe of Lords met again, on the 30th. When their Lordſhips were informed by the Lord Chancellor, That *Robert Bowyer*, Clerk of Parliament, had lately received, from the Under-Clerk to the Commons, a Letter, dated *October* the 27th in theſe Words:

SIR,

I AM, by Order of the Commons Houſe of Parliament, directed to repair unto you, and to deſire of you a true Copy of his Majeſty's Anſwer to the Grievances of the Subject, preſented the laſt Seſſion of Parliament: As well the Anſwers to the firſt Four, concerning Matter of Profit, as the reſt concerning Matter of Government, anſwered the laſt Day. The Order is, that you are to ſubſcribe your Hand unto it, and to make it ready before Monday *Morning next, at which Time there will be a ſpecial Occaſion of Uſe for it.*

I am your very aſſured Friend,

Saturday, Oct. 27, 1610. RA. EVANS.

The Chancellor added, That the ſaid Clerk, in Reſpect of his Duty to this Houſe, had forborn to ſatisfy the Contents of the ſaid Letter; and had only returned for Anſwer, That, of himſelf, he had

An. 8 James I. 1610. had no Power, or Authority, to make forth, or deliver Copies of that Nature; but, at the next Sitting of the Lords, he would acquaint their Lordſhips with the ſaid Letter, and then be ready to do what they ſhould command him.

This Anſwer was approved by the Lords; who, having conſidered of the Matter, 'Thought it both fit and reaſonable that the Copy deſired ſhould be ſent, authentiquely, to the Lower Houſe; becauſe the Matter and Subſtance thereof equally concerned both Houſes; and was originally intended by his Majeſty to be imparted to all his loving Subjects without Diſtinction.' But their Lordſhips did not approve of this Manner of Demand; which ſhould have been by Motion to themſelves, and not by a Letter from an Under-Clerk to the Clerk of this Houſe, or by any ſuch Order or Direction as above. Notwithſtanding this, as their Wiſdoms thought it not convenient, that, for this Cauſe, the weighty Buſineſs of this Great Contract with his Majeſty, being now in in Treaty, and for which this Seſſion of Parliament was chiefly held, ſhould any Way be in Danger to ſuffer Interruption, Impediment, or Delay; it was agreed to by all the Lords and ordered, 'That the Clerk of this Houſe ſhould, by Leave of the Houſe, ſend to the ſaid Clerk attending the Commons the Copy deſired, under his Hand, with an Anſwer to this Purpoſe:'

UPON Receipt of your Letter, I have this Inſt. 30*th of* October, *acquainted my Lords of the Higher Houſe of Parliament therewithal. Whereupon, their Lordſhips are well pleaſed and content that I ſhall ſend you, under my Hand, that which is deſired, which herewithal you receive accordingly.*

I reſt your aſſured loving Friend,

RO. BOWYER.

But,

But, an Entry was ordered to be made in the *Journal*, with ſpecial Caution and Proviſion, That this Particular be not at any Time drawn or uſed as a Precedent; but, that in all Caſes of like Nature, hereafter happening, due Courſe and Care ſhould be obſerved for preſerving the Honour, Dignity, and Privilege of that Houſe. An. 8 James I. 1610.

This Condeſcenſion of the Lords to the Commons had not the wiſhed-for Effect; for tho' the Conferences began again between the two Houſes, about the Grand Contract, yet they came to no Concluſion. The *Journals* give no Account of any Report made from theſe Committees, relating to that Affair; and on the 6th Day of *December*, after two ſhort Adjournments, the Parliament was prorogued by Commiſſion, to the 9th of *February* enſuing. And, on that Day, the Lord Chancellor produced another Commiſſion, from the King, directed to himſelf and ſome other Lords, by which he declared this Parliament to be finally diſſolved. Which is rendered abortive by the Diſſolution of the Parliament.

It is eaſy to ſee, by the Abruptneſs of theſe Proceedings, that the King and his Parliament parted in no good Humour with one another; but, ſince the *Journals* are ſilent, as to that Matter, we muſt have Recourſe to the Hiſtory of the Times for an Explanation. The particular Hiſtorian of this Reign, and a very particular one he is, has opened ſomewhat relating to this Affair; ——To give the Reader ſome Taſte, both of his Language and Politics, we ſhall extract one Paragraph from that Work, wherein, the whole Proceedings of this laſt Seſſion are included. He tells us, 'That, on the Meeting of this Seſſion of Parliament, the Members were willing to ſecure their Allegiance to the King, out of Piety; yet, they were ſo ſtrict even in theſe youthful Days, which he called Obſtinacy, that they would not obey him in his Encroachments upon the public Liberty, which he began then to practice. For being now ſeaſoned with ſeven Years Knowledge in his Profeſſion here, he thought he might ſet up for himſelf; Remarks thereon.

An. 8 James I. 1610.

himſelf; and not be ſtill Journeyman to the laviſh Tongues of Men, that pryed too narrowly into the Secrets of his Prerogative, which are Myſteries too high for them, being *Arcana Imperii*, fitter to be admired than queſtioned. But, the Parliament were apprehenſive enough, that theſe hidden Myſteries made many dark Steps into the People's Liberties; and they were willing, by the Light of Law and Reaſon, to diſcover what was the King's, what theirs: Which the King, unwilling to have ſearched into, after five Seſſions, in ſix Years Time, diſſolved the Parliament by Proclamation (z).'

Our Hiſtorian has thought proper to mention this Proclamation, only, without giving us a Copy of it: But we are beholden to the *Continuator* of *Stowe's Chronicle*, for a genuine Tranſcript of this Act of State, which will fall very aptly in this Place; and therefore we give it in its own Diction and Orthography.

The King's Proclamation ſetting forth the Reaſons of this Diſſolution.

WHEREAS the King's moſt excellent Majeſtie hath continued this Parliament together, longer than hath bin uſual, or might well have ſtood either with his importaunt Affaires of State, or with the publicke Buſineſs of three whole Termes ſpent in the two laſt Seſſions; or with the Occaſions of the Countrey, where the Service and Hoſpitalitie of many Perſons of Qualitie hath beene miſſing, and divers Shires, Citties, and Burrough Townes have beene burdened with Allowances made to the Knights and Burgeſſes whom they imployed; beſides the particular Expenſe of the Nobilitie and others attending that Service. And all this in Expectation of a good Concluſion of ſome of thoſe weighty Cauſes, which have been there in Deliberation, not only for the Supply of the Neceſſities of his Majeſties Eſtate, but for the Eaſe and Freedom of his Subjectes, in many Things propoſed by his Majeſty in Parliament, for differing and ſurpaſſing the Favors and Gracies of former Times, both in Nature and Value. His Majeſty hath

(z) *Wilſon* in *Kennet*.

hath now reſolved (for preventing of further Trouble of all thoſe that would prepare themſelves to be here againſt the Time limited by the laſt Prorogation) to declare by theſe Preſents that they ſhall not need to give their Attendance at the Day appoynted, for any Service to be done as Members of this Parliament; becauſe his Majeſty (for many good Conſiderations known to himſelfe) hath now determined to diſſolve this Parliament, by his Commiſſion under his Great Seal of England. An. 8 James I. 1610.

Dated, at Whitehall, 31*ſt of* Dec. 1610.

There was alſo, ſome other Buſineſs, beſides the Great Contract, begun in this laſt ſhort Seſſion of Parliament; and ſome of it of publick Uſe and Service.

A Bill was brought in for the better Preſervation and Increaſe of Wood and Timber. Another againſt Tranſportation of Iron-Ordnance, Gun-Metal, Iron-Oar, Iron-Mine, and Iron-Shot. A Bill for the Erection of Common-Brew-houſes, in certain Places needing the ſame, whereby the Subjects may be much eaſed, in point of Carriages, at the Times of his Majeſty's Progreſs, and Drunkenneſs the better ſuppreſſed. A Bill to avoid Suits and Queſtions touching Wills of Land. And a Bill for the enabling and making good of Leaſes and Grants to be made by the Prince of *Wales*; and for yielding of true Accounts, upon Oath, by his Highneſs's Officers from Time to Time. But, all theſe, and, in all Likelihood, many more that would have enſued, were prevented from taking Effect, by the ſudden Diſſolution of this Parliament. Acts paſſed

King *James* and his Parliament parting in ſuch ill Humour with one another, without concluding any Thing, relating to the *Great Contract* between them, the Royal Prerogative ſtood as it did before; and the King is ſaid, now, to put it in Practice to the full Extent of his Power. The Reader muſt be his own Judge, by the Account already

An. 8 James I. 1610. already given, how far the King's Conceſſions went, towards a perfect Agreement, in theſe Articles. And, if the Parliament, by graſping at too much, loſt all; or were for driving too hard a Bargain, about Things which could not be purchaſed too dear, they themſelves were to blame to loſe the Market. It muſt be allowed, by any that has read the Parliamentary Proceedings, in former Reigns, that *James* gave greater Liberty to his Subjects to ſpeak and treat about ſuch high Matters, than the mildeſt of his Predeceſſors ever did (*a*). A Recollection of the Jealouſies practiſed in the laſt Reign, only, will evince the Truth of this; for *Elizabeth* never ſuffered her Parliaments to touch the leaſt upon her *Prerogative*, either in Church or State: Priſons, and ſuch like Puniſhments, were the Rewards of thoſe that attempted it.—But to proceed:

Anno 1611. King *James* now began to exerciſe the Regal Power ſolely; at leaſt, let no Body ſhare with him but a Succeſſion of ſingle Favourites; which have ever been the Bane of Princes. The happy Situation the Kingdom was in, as to any foreign or civil War, throughout the whole Courſe of his Reign, made Way for Riches to flow exceedingly; and theſe, generally, breed what they ought not to do, Pride, Contention, and Deceit. There were yet no Taxes, impoſed on the Subject, any Ways burdenſome; the Grant of *Subſidies*, *Fifteenths* and *Tenths*, during this King's Time, being but a poor Pittance, compared with the liberal Donations in the Reign of his Predeceſſor. And how he kept up the great State and vaſt Expence of his Court, without more Aid, is a Secret in Hiſtory.

An Aid for the Marriage of the Princeſs Elizabeth. Some few Aſſiſtances, without the Help of Parliament, are obvious: The King claimed an Aid of his Subjects, according to ancient Cuſtom, for the Marriage of his Daughter *Elizabeth*, to

Anno 1612. *Frederick*, Elector *Palatine*; which was ſolemnized, with great Magnificence, *February* the 14th, in

(*a*) See before Page 230, and in Vol. IV. *paſſim*.

in the Year 1612. But, the King's Joy, for this Match, must have been greatly clouded, by the dire Remembrance of the Loss of his eldest Son, Prince *Henry*, who died *Nov.* 6th preceeding; a Prince whose great Character promised very much to the Succession (*b*). At this Time, the King's chief Favourite and Counsellor was one *Robert Carr*, a *Scotsman*; who, from a low Original, was first knighted, than created Viscount *Rochester*, and afterwards Earl of *Somerset*. This Man (the King's old and faithful Counsellor *Robert Cecil*, Earl of *Salisbury*, being dead) ruled all; and, by enriching himself and impoverishing his Master, soon brought him to want Supplies. But, how to gain them, without the Assistance of Parliament, a Way they neither of them liked, was the Question?

An. 10 James I. 1612.

The Death of Prince Henry.

The first Project this new Statesman put the King upon to raise Money, was to erect a new Order of Dignity and Worship, called *Baronets*. The Number of them was to be two Hundred; their Honour and Degree next to *Barons*; the Title that of a Knight, which was to descend to their Posterity; and for this they were to pay one thousand Pounds apiece. The Pretence for it was to plant Colonies in the North of *Ireland*; for which, the bloody Hand, the Arms of the Province of *Ulster*, was added, as a Trophy, to the *Baronets* Escutcheons.

Carr, Earl of Somerset's, Projects for raising Money.

Anno 1613.

The next Scheme was to raise the Price of *English* coined Gold; which was done by a Proclamation, first prohibiting the Transporting of it, and then raising its Value two Shillings in the Pound. So a broad Peice of Gold, called the *Unity*, before going for twenty Shillings, was raised to twenty-two Shillings; and all the lesser Gold Coins in Proportion. Yet this, as the Proclamation expresses it, was no more than what the *English* Coin was valued at abroad; which was the Occasion that so much of it was transported (*c*).

There

(*b*) Camden's *Annals*.
(*c*) See Continuation of *Stowe's* Chronicle, Page 911.

An. 11 James I. 1613. There was another Project, which was said to be granted by his Majesty's special Favour, for the Planting of *English* Colonies in *Virginia*; this was by way of *Lottery*, and, as it is the first of the Kind we have hitherto met with, deserves our Notice. The Bank of it was but small, considering the great Value of those in our own Times; there was but five thousand Pounds assigned for the Prizes, besides some casual Rewards. It began to be drawn in a new built House, at the West-End of St. *Paul's*, *June* the 29th, 1612. but for want of filling the Number of Lots, there were taken out of the *Lottery*, and set aside, threescore thousand Blanks, without abating one Prize. By *July* the 20th, all was drawn and finished; and, as our Author says, the *Lottery* was so plainly and honestly performed, that it gave full Satisfaction to every one; several worshipful Knights, and Esquires, and grave discreet Citizens attending at the Drawing. The chief Prize, amounting to four thousand Crowns, in Plate, was won by *Thomas Sharpliff*, a Taylor, in *London*; to whose House the Prize was carried with great Pomp and Solemnity (*d*).

The first State-Lottery in England.

Which not answering the End, a new Parliament is called.

Whether this last was a Trick of State, of the Ministers, to raise Money for his own Use, or was really for the Purpose above, is uncertain; however, it is sure none of their Ways would do, nor answer the pressing Necessities of State; and therefore a Parliament was resolved on to be called for that Purpose. Accordingly, Writs were sent out, for one to meet at *Westminster*, on the 5th Day of *April*, in the Year 1614, and the 12th of this Reign.

Anno Regni 12. 1614. At Westminster.

The usual Preliminaries at the Meeting of a new Parliament being settled, such as admitting Proxies, appointing Receivers and Tryers of Petitions, &c. the King came down to the House of Lords, and being seated on the Throne, thought proper to make the following Speech to both Houses of Parliament.

This

(*d*) *Stowe* Page 915.

This Speech is in no printed Hiſtory, nor Collection that we know of; we therefore give it in its own *Orthography*, from a Manuſcript in the *Cotton-Library (e)*. An. 12 James I. 1614.

'IT is the Sayeing of the wyſeſte King that evere was, *That the Harte of Kings weare inſcrutable*; but in the laſte Parleamente, I muſte calle to your Remembrance the Compariſone I uſed, whearin I preſented myſelfe unto you as a Mirrore, whearin you mighte cleerelye ſee the Integretye of my Purpos for our lengtheninge that Parleamente for the generall Good and Benefyte of the Commonwelthe; but as I then ſayd of the Nature of a Mirrore, that it mighte be deffyled by the Eyes of the Behoulderes, ſo did ſome of the Lowere Houſe looke uppon me with poluted Eyes, and, as I may ſaye, deffyled my Mirrore; I canne ſaye no more nowe then I did then, but to offere you the ſame Mirrore, to [looke to] proteſtyng as I ſhall anſwere it to Almyghty God, that my Integretye is like the Whitnes of my Roabe, my Purety like the Mettle of Golde in my Crowne, my Firmnes and Clearnes like the preſious Stones I weare, and my Affectyones naturalle like the Rednes of my Harte. The King's Speech at opening the Seſſion.

'Three important and weighty Ends have cauſed me to caule this preſent Aſſembly of the Lords Spirituall and Temporall, the Knights and Burgeſes repreſentynge the Bodye of my Comones, which I muſte divide into three Parts and Branches, *Bona Animæ*, *Bona Corporis*, & *Bona Fortunæ*, Relygeon, Safety, and the Aſyſtance of my Subjects, which are the true Grounds of this and all well-intended Parleaments.

'For Relygione, which the Philoſopheres, with the glymering Lighte of Nature, caled *Bona Animæ*, I muſte comend to your Conſiderasones, the great Increaſe of *Poperie*; notwithſtandinge the aſſiduous Labore I have beſtowed, and the greate Care I have ever manifeſted, as may witneſs

(e) *MSS.* TITUS, F. 4.

An. 14 James I. 1612.

'nefs both my Penne and Tonge, I think, with 'moare Paynes than any of my Predeceſſores; 'and for my Zeal in private, not to vant of it, 'for avoydinge vayne Glorye, yet I hope all my 'Courſe of Life and Actyones will ſpeake for 'me.

'In this is to be conſidered the Cauſe and the 'Remedye; for the Cauſe, it is undoubtedlye Im-'punite which made them preſume to ſo notory-'ous Declaraſones of their Increaſe, and their Im-'punitie proceedethe from two Reaſones: Firſt, 'Some Brainches of the Lawes made to meet 'with them are ſo obſcure, that I myſelf, with 'Conference with my Lords the Judges, cannot 'cleere them; as I could inſtance in many Parti-'culers, that this Time weare fite for it, as in 'the Oathe of Alleageance, to which many Scru-'ples have riſſen, and are yet unreſolvede.

'Secondlye, For Want of due Preſentment in 'the Contreye by the Offyceres appoynted to it, 'according to the Proviſyone of the Lawe; and 'in ſome Places when preſented, yet they are ſo 'favored by the Juſtices of Peace, that as a Lieu-'tenante of myne in one Contreye hath inform'd 'me, he could not procure three of the Peace, 'excepte ſome of his owne Frends and Servants, 'that woulde aſſiſte him in the due Execuſhone 'of my Lawes. And this in the firſt Place, I 'comend to your Conſideraſones.

'Not that I deſire to make any newe or more 'rigorouſe Lawes againſte them; but that theſe 'may have Execuſhone, which is the Life of the 'Lawe, and without it they are but deade Words. 'I ſpeake this not for my Favore to them, but 'for Conſyenſe and Polleſye.

'For Conſyenſe, to avoyde the Scandalles 'which the *Jeſuites* have ever caſte uppon the 'late Queene of famos Memory, and uppon my 'Governmente, that we have perſecuted and ta-'ken Bloode for Relygeone, which I have evere 'diſclaymed.

'For

'For Pollesye, sinse no State nor Storye cane 'evidense that any Relygeone or Heresye was 'evere exterpated by Violense or the Swoarde, 'nor have I evere judged it a Waye of Plantyng 'Truthe. An Example of this I take out of the 'Booke of *Jobe (f)*, whereas when many rigo- 'rouse Counsels weare propounded, *Gamaliel* stood 'upe and advised that, *If that Religion weare of* 'God, it wold prospere; if that of Man, it wold 'perishe of itselfe. Besyde Mene are so prone to 'glorye in defendinge and sealinge their Oppinyones 'with their Bloode, that the Primityve Chirche, 'in one Age, declyned into an Affectashon of 'Martirdome. And many Heresyes hathe had his 'Martires that hathe gone with the same Alacretye, 'and Desyre, and Assurance, to the Fyre, as those 'that have witnessed for the Truthe have done. An. 12 James I. 1614.

'The second and neareste Consyderason, to 'the Soule, Relygeon, is the Safty or *Bonum Cor-* 'poris, which *Lattyne* hathe but one Worde *Salus*. 'The principall Safetye of this Boyde consystes in 'the Preservatione of the King and his Issue, and 'this in presserving a due Succession.

'Since the laste Parleamente, God, for my 'Synnes and the People, hath takene awaye one 'and the first Brainch thearof, but as he gave me 'the Afflyctyones of *Jobe*, so hathe he gevene me 'the Patyense, and in the end the Rewarde, an- 'other for him, a Grand-child in his Plase, only 'the Sayeng of *Jobe* inverted, *The Lorde hathe* 'geven, and the Lorde hathe takene, I may say, 'The Lorde hath takene, and the Lorde hathe geven, 'yea, he hath geven me Compensatyone, *eodem* 'Genere, a Sonne for a Sonne.

'For the Matche of my Daughter, though I 'must saye, that besydes his many other good Qua- 'lityes, he is one whom for his Persone I could 'asserte, of all that evere myne Eyes beheld; 'yet, I made this Matche only *Reipublicæ Causa*; 'and for Estabilishemente of Religion and the 'Comone-Welthe have I sacrefysed my Daughter.

(f) *Sic Orig.*—But this Passage is in the Acts of the Apostles.

An. 12 James I. 1614.

'For the Comone-Welthe, that if my Iſſue Male ſhulde faile, you could have not only Prinſes borne of true *Engliſhe* and *Scotts* Bloode, but noriſhede with the Mylke of the ſame pure Relygeone you now proffeſſe.

'For Relygeone, in ſome reſpect for her, that being younge and a Woman, bothe ſubjecte to Frailtye, I wold not delyver hir into the Hande of the Lyon, when I ſee ſo many ſtrong and grounded Champyones cannot reſiſte the Cunning and Spetiouſnes of their Perſwaſyones.

'Beſyde the Reaſone of State takene from the Mouthe of *Henrye* VIIth. my Anceſtore, from whome I clayme my Crowne, when he gave my Great-Grand-Mother the Lady *Margarate* to King *James* Vth. he ſayd, *Heare was no Danger in the Matche, for that the Leſſere wold never drawe the Greater, but the Greater the Leſſe*; and this Rulle was approved by the Providence of God, who gave no Iſſue to the two *Marys*, my Mother *(g)*, and *Mary* of *Englande*, Heires of his Crowne, and marryed to *France* and *Spayne* two mightye Kingdomes.

'Thearfore, I deſyre you to ſhewe your Affectyones to my Sonne in Lawe, by ſome Recogniſhone, that he may ſee hee is not helde as an Aliene and unregarded among you, and to make a Declaraſhon of the Succesſhone of his Iſſue, if God for our Synnes would take away my Iſſue Male.

'To the third Pointe, which is *Bona Fortunæ*, as the Safety or *Bonum Corporis* is the *Eſſe*, ſo is this the *Bene-Eſſe* and moſte neceſſarye to it.

'The extraordinary Charge I was at in this Mariage, ſuche as I beleeve was nevere greatere, which I did performe in the Eyes of you all, for my Honor and yours, is not unknowne, howe by the Deathe of my Sonne, the Mariage being put of, I was conſtrayned to defraye my Sonne in Lawe and his Trayne ſix Monthes.

'The

(g) Alluding to his Mother's having no Iſſue by her firſt Huſband *Francis* II. King of *France*.

'The greate Expenſe bothe by Sea and Lande An. 12 James I. 1614.
'for tranſportyng hir into a farre Contraye, an-
'ſwerable to my Honore and Hirs, and this King-
'domes, cannot be forgotten by you. Yet if any
'objecte the Aydes, I referre it to youre Conſy-
'deraſhons and Judgment, howe lytle it is, me-
'ſured by the Tymes whearin it was firſte grant-
'ed and by this; every one of you feileth it in
'your Fees of Courte that are my Servants, and
'in anntyente Rente this Change of Tymes.
'Therefore, ſinſe *Reipublicæ Cauſa*, I have under-
'gone this Diſburſement, it is the Commone-
'Welthes Intereſte to repaire it.

'Beſydes many greate Occaſyones of Expenſe,
'by Entertainmente of forraine Princes and Am-
'baſſadors, the greate and large *Chriſtmaſſes* I have
'kept at my Comyng to the Crowne, the Feare
'of *Ireland*, and the Conſyderaſhone of that
'Newes bothe of Peace and Ware are many; I
'doubte not but your Affectyones will holde ſome
'Proporſyone with my Wante.

'But I muſte be playne with you, I will deale
'no moare with you like a Merchante, by waye
'of Exchange, for every Bargaine chete the Lone.
'I will expect loving Contribuſhone for loving
'Retribuſhone, which is, *Suum cuique tribuere*,
'the Sume of all Juſtyce; and to take care bothe
'for your Eaſe and Preſervaſone.

'To come to accompte with you how and
'what, it is too baſe for my Qualletye; I will
'only proove what you will doe in your Love,
'and what the People can ſpare with their Eaſe;
'and notwithſtanding my many Straights, I have
'choſene to relye on your good Affectyones ra-
'ther than to ſtreche my Prerogatyves.

'But firſt, I muſte cleare ſome Rumores and
'Aſperſyones caſte abroade by ill Affectyones,
'that heare are ſome private Undertakers uppon
'whome I dide relye, who with their Credite or
'Induſterye, wolde doe greate Matters: Firſt,
'As I proteſte it is in itſelfe falſe, ſo is it unwor-
'thie of me, becauſe I had rather have any thing

An. 12 James I. 1614.

' with generall Love, moare reſpectyng the Source ' and Affectyon from whence it is derived, then ' any Proffyte by them. This I hope you will ' credite; ſilence all the diſſonante and jarringe ' Stringes of the Kingdom, which ſhall bringe ' you home your Prinſes Grace and Favore.'

After the King had ended his Speech, the Lord Chancellor made a ſhort one, according to the Order of the Houſe; the Purport of which was, to ſignify his Majeſty's Pleaſure to the Commons, that they ſhould retire to their accuſtomed Place, and there, out of their own Body, chooſe one, fit and able, to be their Speaker, and preſent him to the King on *Thurſday* the 7th of *April*. Accordingly, on that Day, the Commons preſented Sir *Randolph Crewe*, Kt. as their Speaker; who was introduced to the King by Sir *Ralph Winwood*, Kt. principal Secretary to his Majeſty, and Sir *Julius Cæſar*, Kt. Chancellor of the Exchequer; and, with the uſual Ceremonies, was allowed.

Sir Randolph Crewe Speaker.

The firſt Thing the Commons did, after this, was to make an Order that every Member of their Body ſhould take the Sacrament at St. *Margaret's* Church, *Weſtminſter*. This was done, ſays an Author, to ſee whether a Diſcovery might be made of thoſe inclined to the *Popiſh* Religion, but not one refuſed it (*g*).

Bill concerning Frederic, Count Palatine, &c.

April the 8th, a Bill was brought into the Houſe of Lords, entituled, ' An Act concerning the High and Mighty Prince *Frederic*, Count *Palatine* of the *Rhine*, &c. and the High and Mighty Princeſs *Elizabeth*, his Wife, Daughter to the King's Majeſty, and their Iſſue.' The ſame Day the Lord Chancellor delivered the King's Pleaſure, That all the Lords, Members of that Houſe, ſhould To-morrow, by two o'Clock in the Afternoon, attend his Majeſty at the Banqueting-Houſe of the Court, there to underſtand his

(*g*) *Camden's Annals.*

his further Pleaſure and Direction, touching certain Buſineſs to be treated on in this Parliament. An. 12 James I. 1614.

We are not told by the *Journals*, what the King ſaid at this Meeting; nor, like the former Speech from the Throne, is it mention'd by any Hiſtorian, or even printed in this King's Works. We are, therefore, obliged to the before-cited great Repoſitory of Antiquities, for this Speech alſo; which, by the Favour of the candid Mr. *Caſley*, the preſent Librarian, is tranſcribed from a Manuſcript, as old as the Time, and in its own *Orthography*.

The King's ſecond Speech to the Parliament.

'ACCORDING to my Promys, I will make 'you that Preſente I mentioned the other 'Day at our laſte Meeting; but firſt, I muſte 'make a Requeſte, that conſernynge which I of-'fer, you will looke uppon the Affectyon of the 'Givere, and not the Vallue of the Gyfte; eſpe-'cyally, becauſe it is ſupported between twoe ſo 'beutefull Shuiters, Sinceritye and Love; for Sin-'ceritye without Love may be too coulde, and 'Love without Sinceritye Diſſimulaſion; but 'whear thes two are conjoyned they make a per-'fecte Bewtye; it is the Contynuance of that 'Mirrore, which I onſe offered and nowe preſente 'againe, and *Dimidium Facti qui bene cœpit habet.* I have begune *bonis Auſpiciis*, to make it a 'Parleamente of Love, that as the laſte begane 'with Diſcorde and ended ſo, ſo this maye be-'gine with Concorde and Love, and contynue 'ſo.

'I may offere; it is my Parte to be gratious, 'and yours retributynge. I maye reſeave Aſſyſt-'ance and you Eaſe, not to me, but to the 'Thinge which is alſo the Goode of yourſelves, 'the comone Goode, that wee doe mutually owe 'in Love. And I maye ſaye with the Prophete, '*Woe is to him that ſhall caſte Diſſenſyon*; if 'the Kinge and Comone-Wealthe weare contra-'ry, Deviſhone mighte enſue, but beinge one as 'they are, this holey Emulaſion of mutual Goode 'ſhall begyne To-daye one my Parte, and one

An. 12 James I. 1614. ‘ yours hearaftere; that the World maye ſee the ‘ Love of the Kinge to his Subjectes, and your ‘ Love to the Kinge, and thear ſhall be no Emu- ‘ laſyon but who ſhall offere with moſte Af- ‘ fectyon.

‘ God is loved for the Gyfte he beſtowethe, ‘ and loves againe for Thanke, which is all Man ‘ cane give, and thearfore in Scripture goode Men ‘ are called the Friends of God, becauſe they are ‘ benevolente; and I that am Kinge, and in that ‘ Offyſe doe repreſente God that muſte geve, ‘ begine withe Offyſes and Gyftes, and expecte ‘ from you a Chearfullneſs in Retribuſhone, with ‘ a greatfull Harte, accordynge to a comone Pro- ‘ verbe manye Tymes uſed to mee, by manye of ‘ the Courte to move me to ſome Suite, that they ‘ dide moare reſpecte the Signefycaſhone of my ‘ Grace and Favore in ſuch a Marke of my Be- ‘ nevolence, than the Vallue of that which was ‘ demaunded; but becauſe I wolde not make aney ‘ abrupte Speche to you, I will remember you of ‘ ſomewhate ſpokene the laſte Daye, to ſtyre you ‘ upp to goe one to the principle Buſeneſs with ‘ moare Alacretye.

‘ Firſte, As I ſaye, *a Jove Principium*, to have ‘ Care to the grate Encreaſe of *Poperey*; yet I ‘ wold not have *Papiſtes* to vaunte of theair goode ‘ Seede, ſinſe theair greateſte Conqueſtes are one ‘ Weomene and ignorante Perſones; they aſſaylle ‘ onlie the weaker, and gete to them not ſuche as ‘ they wold but ſuche as they cane, and it is verey ‘ remarkable, an ill Cauſe is moſte vigilente and ‘ carefull to defend itſelf; yet, as I ſaye, not to ‘ proceed to towche Lyfe or Lande; for, as I not- ‘ ed, Perſecuſhone was never a juſtefyed Waye ‘ of eſtabliſhinge Relygeon; but by the Execu- ‘ ſhone of goode Lawes, in which lette my Lords ‘ the Judges witnes for me, if I do not twiſe a ‘ Yeare give it them in Charge, that they enquire ‘ of that Encreaſe in thair Circuits; and alſo ‘ twiſe every Yeare require an Accompte of it; ‘ and for ſome Remedy thearin, I deſire you the

‘ Lords

'Lords of the Upper Houſe, to conſulte with the 'Judges; and you of the Comones with your 'owne Lawiers. An. 12 James I. 1614.

'To that I ſpeake of the Oathe of Allegeance, 'I intended it not in the Lawe, for thear is no-'thing in the Subſtance of it but every good Sub-'jecte maye receave it; but in the Waye howe to 'admyneſter it, bycauſe Men maye keepe Home 'in thear owne Houſes, thear is no Proviſhone 'howe Men maye be cauled to it; it is true, that 'it is a grate Happyneſs that Men may lyve in 'Quiete under the Lawe, every Man under his 'owne Olyve and his owne Vine, but this Sweet-'nes oughte not to extend to thoſe, that make 'that a Protectyon to lyve againſte Lawe.

'For that which concerned my Sonne in Lawe, 'I ſhall not need to ſaye much, I doubte not to 'fynde you redy; and the Bylle, I thanke my 'Lords, hathe bine alredy rede and welle receaved 'of them.

'For the third Parte, which concerned the 'Reliefe of my Eſtate, I pray you underſtand me 'arighte, for righte Underſtanding is the Effect of 'true Elloquence; I ſpeake to you the Knights 'and Burgeſes repreſenting the Comones, bycauſe 'yours is the greateſt Parte and you ſuffer moſte, 'that you will conſydere the Charge I was at in 'the Maryage-Pointe.

'The State of *Irelande*, which I pretend not 'without juſte Cauſe, yet without Feare; for 'thoughe they cane nevere be reduced to ſo per-'fecte Obedyence without Eſtabliſhmente of Re-'lygeon, yet in the laſte Tryalle of thear Parlea-'mente, I have found many goode Subjectes 'theare.

'Yet conſyder that the Memberes moſt remov-'ed from the Harte have moſte Neede of Suc-'core; they lye moſte obnoxious to Harme, and 'as a Praye to all Enemyes of the Bodye; and 'thoughe none of myne Anceſtores could nevere 'be cauled ſo abſolutly a Kinge of that Contraye 'as I maye, yet thear muſte be a greate Care had

'of

An. 12 James I. 1614. ‘ of thoſe remoteſte Partes of the Dominion which ‘ have alwayes byne Emunctoryes of *Englande*, ‘ and whearin moare hathe byne ſpent in one ‘ Yeare then wold, by Frugallety, be ſaved heare ‘ in manye.

‘ I do not, as I ſayde, offere you lyke a Marchante or Charlataine, but to lette you ſee what ‘ I owe you in Juſtys, *Suum cuique tribuere*; yet ‘ what I geve, Free-Grace will require that you ‘ accepte with Chearfulnes.

‘ I demaund not this nor that, but only the ‘ Ground of your Love, and the Meaſure of it ‘ by the Meaſure of your Benevolence; but what ‘ ſhall be the Ende of this, the Kinge will growe ‘ in Love with Parleamentes, and ſo be ever drawinge and wearinge of his Subjectes. I anſwer, ‘ my Comforte ſhall be onely to meete you to ‘ conſulte of the comone Weallfares, and howe I ‘ may eaſe you, and to receave your Greevances, ‘ for I hope to fynde a Waye, by improoveinge ‘ my Revenewe juſtely; beleeve me, I ſhall be ‘ aſhamede to demaund any moare in this Kynde, ‘ or to be ever importunate; yea, as I ſaye, of any ‘ private Men; but this as I vowe it is farre from ‘ my Harte to accepte, ſo hathe it nevere byne ‘ offered; it is true that every honeſte and goode ‘ Subjecte oughte to offere his Camelles and Service unto me, and ſo, perhaps, I have herde the ‘ Oppynyones of many, but nevere in ſo unworthie a Propoſytyon.

‘ The Rumore perhaps hathe growne from the ‘ ambyſyous Contenſyon of ſome Men, in the ‘ Electyone of ſome Knyghte of the Sheeres, ‘ which I nevere herde of before 24 Howres; ‘ what I wholye diſavowe, that I nevere directely or indirectely dide prompte or hinder anye ‘ Man in the free Electyone, and wheare anye ‘ Faulte have come by me I wolde have the Rezine ‘ ſyned for it; nor dide I ever put any Confydence ‘ in a partee Parleamente, and of this I appeale ‘ to all the Sheeryfes and Lordes, let them accuſe ‘ me freelye.

I ‘ Another

'Another Brainche I muſt add to the former Three, which indeede concernethe bothe Saftye and Proffyte, and concourethe to them bothe; that wee maye meete this Parleamente to remoove and take awaye all Oppynyone of Drines betweene me and my Subjectes, which our lengthenynge out the laſte hathe rieſted in the Harte of manye bothe at home and abroade; of which thoughte ſome of the Lowere Houſe weare in parte guilty, yet I muſte confeſe theare was Miſunderſtandinge on bothe Sydes, and perhaps, Meſage broughte betweene us by ſome (whom God forgyve) rather to countynence and encreaſe then to reconſylle and cleare the Errore; but, *Sublata Cauſa tollitur Effectus*, this beinge removed and our Underſtandyngs rectefyede, I hope, this ſhall be cauled a Parleamente of Love. An. 12 James I, 1614.

'I will begyne my Parleamente contrary to the Ordere of all other, who gave, lyke a Retribuſhyone, theire Graces in the End; but, I will begine this with Offeres to you, which I ſpeake not to intyſe you or intrape you, but ſeveralley to ſhewe my Love and Intenſyone to unburthen you of many Greefes; but I refarre the Partyculeres to be delyvered in Writyng at our nexte Meetynge.

'To conclude with ſome generall Notes to advance the Buſenes for which wee are mette; I commend to your Conſyderaſons, the Tyme of the Yeare farre ſpente, the Waighte and Importance of the Affaires compared with it, will ſtyre you upp to proceede rowndley, and not to looſe Tyme in Cerremonyes and Trifles.

'Secondly, To remembere that what Greevances come into Queſtyone, that you will uſe a Meane, I confeſs it is more fyte you ſhould preſente them unto me, every Man for his Contraye or Toune wheare he is burthened, provided they be fyte Greevances; but to heape them together in one Scroule, lyke an Armie, will but caſte Aſperſyone uppon me and my Governe-

'mente,

An. 12 James I, 1614. ‘ mente, and will favore moare of Diſcontente ‘ then Deſyre of Reformaſhon.

‘ And do not beleeve I am ſo tendere of my Pre- ‘ rogatyve as ſome have rumored me; I deſyre to ‘ keepe alſo that Meane, as I wolde not looſe any ‘ the Honores and Floweres of my Crowne, ‘ which I have receaved with it, but rather looſe ‘ my Life, ſo I wold no waye ſtretche them, no, ‘ I will wade no forther thearin then the beſte of ‘ my Predeceſſors have done.

‘ And wheare any Controverſyes ariſe, my ‘ Lordes the Juages choſene betwixte me and my ‘ People, ſhall diſcide and rulle me.

‘ As touching Proclamaſhones which in the laſte ‘ Parleamente was excepted at; as he is a trayte- ‘ rous Subjecte that will ſaye a Kinge maye not ‘ proclayme and bynd by it, ſo did I nevere in- ‘ tende Proclamaſhones to have Force of Lawe, ‘ but to prevent Miſgeefe arriſyng, whearin the ‘ Lawe hathe no Proviſhon, untyll a Parleamente ‘ cane provide; and this I ſpeake becauſe of my ‘ laſte long Proclamaſhone conſernynge Duelles, ‘ which I proteſte, I dide oute of Conſyence to ‘ meete with that giddy Opynyone of Reputaſhon, ‘ ſeeinge they have found a Shiffle to avoyde the ‘ Proviſhon of Lawe by Things beyonde Seas, by ‘ the Example of the late Kinge of *Fraunſe*; hop- ‘ ynge it ſhall take bettere Effecte then thear it ‘ hathe done, by reaſon of this Things Notorie- ‘ tye, which, howe barbarous it is, that every ‘ Fellowe that hathe byne but over in the *Lowe-* ‘ *Contreyes*, thoughe he retwrn in Raggs, ſhall ‘ come a Judge of Honore; to meete, I ſaye, ‘ with this Inconvenyence, untyll a Parleamente ‘ could take Order thearin, which nowe I com- ‘ mende to your Grace and Conſyderaſhon.

‘ Laſtely, The Forme I meane to hould in our ‘ Proceedinges, to avoyde the longe Conferences ‘ betweene the Upper and the Lower Houſe, ‘ which breede but Delaye, for ſometymes the ‘ Lower Houſe broughte nothinge but Tonges, ‘ ſometymes nothinge but Years; I meane to

‘ propound

'propound to the Lordes Matteres propere to them by Bylles, and the lyke to you, and to 'speake to you myſelf and receave your Anſwers; 'this to prevente unneſeſſary Meetynges, and to 'haſtene our Buſenes, that wee maye proſeede 'to the moſte urgente Pointe. And I do pro- 'poſe to contynewe this Parleamente to another 'Seſshones at *Michelmas*, when maye be ſupplyed 'any ſuche Defecte as this ſhorte Tyme will not 'geve Leave, perhaps, to be amended.——For 'I will meete you oftene in this Kynd to ſhewe 'myſelf contrarye to all Tyrantes, who love not 'Adviſynge with their Subjectes, but hate Par- 'leamentes; but moſte I deſyre to meete with 'you when I mighte aſke you nothinge, but that 'we mighte conferre together freelye, and I maye 'heare oute of everye Cornore of my Kingdome 'the Complaynte of my Subjectes, and I will de- 'lyvere you my Adviſe and Aſyſtance, and wee 'will conſulte onlye *de Republica*; ſo ſhall the 'World ſee I love to joyne with my Subjectes, 'and this will breede Love as Acquaintance doth 'amongſte honeſte Men, and the contrary amongſte 'Knaves. An. 12 James I. 1614.

'That as the laſte Parleamente began with 'Trouble and Contenſhone and ended ſo, ſo this 'maye begine with Alacretye and Love, and con- 'clude ſo lykewiſe; whear Saftie ſhall be abroade 'and Love at home, and all Aſperſhones and Ru- 'mores of Diſcontente betweene me and my Peo- 'ple ſhall be takene awaye, and wee maye ſynge 'togethere, *Ecce, quam bonum et jucundum*; and 'when you ſhall retwrne to your Contraye, you 'ſhall have Prayſes, and be approoved in the 'Choyſe made of you, that you have behaved 'yourſelves diſcreetelye, that you have geven Con- 'tente to your King, and accorded.——But I 'ſhall be aſhamede to be weariſome to you.

'Howe to proſeede in this mutual Love, to 'meete in a ſounde Oppynyone with the Kinge, 'as he doth with you, is a Parte of your Worke.

'For

An. 12 James I. 1614. ‘For Undertakers, I proteſte, I nevere was ſo ‘bace to calle or relye uppon anye but your ge- ‘nerall Love, and if anye had byne ſo fooliche to ‘offere it, yet had it byne greatere Folley in me ‘to have accepted it; and for Electyones and ‘patchinge a Parleamente, I knowe none of them, ‘nor interceded, and who will doubte of this ‘gives me the Lye. I did proſeede with a Deſyre ‘to truſte my Subjectes, and to this my Counſelle ‘and other Gentlemen have encouraged me, that ‘as I intended gratyouſly to them, they wolde ‘deale lovingly with me, and this was all the ‘Undertakinge.

‘To remembere the Shortenes of Tyme, to ‘avoyde all Cureoſetye, and to praſeede with Ce- ‘leretye to the moſte waighty Affayres; and if ‘anye ſholde begine with newe Matteres, newe ‘Queſtyones, *Rejice anniles Fabulas, rejice Genea- ‘logias*: If anye bringe Diſcorde amonge you, ac- ‘compte him an Enemy that doth not only not ‘maintayne this *Summum Bonum*, this Harmony, ‘but ſeekes by diſenſyoues Queſtyones, to ſeverr ‘the Affectyones of the Kinge and People; that ‘I maye riſe with Deſyre to returne and meete ‘you oftene, and you returne with the Prayſe of ‘diſcreete and well-tempered Men: If anye Man ‘preche anye other Doctryne, *Anathema ſit*, and ‘eſteem his Elloquence as a guildene Sepulchere. ‘This I have ſpokene to your Hartes, your Af- ‘fectyones, and to your Heades, your Reaſones; ‘and if anye other Iſſue ſucceede, blame your- ‘ſelves, for I have dealte with Sinceritye. And ‘will conclude with my Offeres, which, bycauſe ‘they proceede of Grace, I have put them into ‘Bylles.

There is not any thing, in the *Journals* of this Seſſion, material enough to be taken Notice of, until *May* the 7th; when the Lord Chancellor moved the Houſe, That an Order, made the laſt Seſſion of Parliament, for the better Attendance

of

of the Peers, might be read and confirmed; which was done accordingly. An. 12 James I. 1614.

May 21st, a Message was sent from the Lower House to the Lords, to desire a Conference with them, touching the Point of *Impositions*; but, the Number of the Committee, Time and Place was left to their Lordship's Appointment. The Messengers being withdrawn, the Lords resolved themselves into a Committee of the whole House, to consider what Answer was proper to be returned to the said Message.

Debate in the Lords, as to a Conference with the Commons upon Impositions.

The next Day this Matter was resumed; it appearing to be a Business of great Importance, and *vexata Quæstio*; the Lord Chancellor shewed the House, 'What Disadvantage it would be to the King's Cause, as well as to their own Honours, if altogether unprovided, they should meet with the Lower House. In which Regard, his Lordship moved, That the Lord Chief Justice, and Chief Baron, with one Judge of each of the said Courts, there named, who had been required and were then present to assist that Court, might now be heard to deliver their Opinions, for the better Information and enabling of their Lordships to treat with the Commons on the Point of *Impositions*; and that no Answer should be sent down to the other House, 'till this was concluded.'

This Motion occasion'd a warm Debate amongst the Lords, some approving and others disliking the Motion; and the Difference not likely to be settled by Arguments on either Side, it was at last agreed that the Lord Chancellor should put the Question:

'Whether the Judges should deliver their Opinions, touching the Point of *Impositions*, before a farther Consideration be had of an Answer to be returned to the Lower House, concerning the Message from them lately received?'

This Question was carried in the Affirmative; and the Judges desiring to withdraw a little into a private Room to advise by themselves, they soon after returned; and standing uncovered in their

An. 12 James I. 1614.

their proper Places, the Lord Chief Juſtice, in a grave and eloquent Speech, 'Humbly deſired to be excuſed, for that Time, giving his Opinion in the Caſe, for many weighty and important Reaſons which he mentioned. Concluding, that he and his Brethren were to ſpeak upon Particulars in Judicial Courts, between the King's Majeſty and his Subjects, and likewiſe between Subjects themſelves; but, in no Cauſe, to be Diſputants on any Side.'

The Judges decline giving their Opinions thereon.

Then the Lord Chancellor moved the Houſe, That foraſmuch as no Opinion or Direction was to be had from the Judges, they would now adviſe what Anſwer was to be ſent to the Lower Houſe, who expected to hear from them. But Time not now ſerving, the farther Conſideration thereof was referred to the next Morning; and the Judges were ordered to attend again.

The next Day, *May* 24th, the Lord Chancellor renewed his Motion of what Anſwer, *&c.* on which aroſe another ſtrong Debate in the Houſe, many of the Lords approving, and others diſapproving of any Meeting at all with the Commons on this Point: Since they all, in general agreed, That the Lower Houſe was not bound by any Order or Courſe taken by their Committee, but free and at Liberty to alter the ſame, or vary from it, as their Judgments led them. But, to put an End to this Debate, it was agreed that another Queſtion ſhould be propoſed by the Lord Chancellor to this Effect:

'Whether this Houſe ſhall meet with the Lower Houſe, and give them a Hearing touching the Point of *Impoſitions?*' And the greater Number of the Lords anſwering, *Not content*, it paſſed in the Negative.

But ſtill ſome Meſſage muſt be ſent to the Commons; and that Day being far ſpent, the Matter was again put off to the next Meeting. Accordingly, *May* the 26th, the following Meſſage from the Lords was agreed upon to be ſent to the Lower Houſe:

'Whereas

'Whereas the Knights, Citizens, and Burgeſſes of the Commons Houſe of Parliament, did deſire of the Lords a Conference concerning *Impoſitions*; to which their Lordſhips anſwered, That they would take it into Conſideration, and ſend them an Anſwer by Meſſengers of their own; their Lordſhips do now return this Anſwer unto them, That they are, and always will be willing and ready to hold a loving and mutual Correſpondence with them: But their Lordſhips having entered into a grave and ſerious Conſideration, as well of the Matter itſelf, as of divers incident and neceſſary Circumſtances, do not think it convenient to enter into any Conference with them concerning the Point of *Impoſitions*, at this Time.' An. 12 James I. 1614. And the Lords refuſed a Conference;

The ſame Day two Bills were brought in, and read a firſt Time in the Houſe of Lords, one of them intituled, 'An Act againſt Vexation of his Majeſty's Subjects by the Aſſigning of Debts to the Crown.' The other, 'An Act for Repeal of a Branch of a Statute, made at *Weſtminſter*, *An.* 34, *Hen.* 8, intituled, 'An Act for certain Ordinances in the King's Majeſty's Dominions and Principality of *Wales*.' Upon reading of both theſe Bills, the Lord Chancellor obſerved to the Houſe, 'That theſe were Bills of Grace, offered by the King to his Subjects for their Eaſe and Benefit.'

But theſe Conceſſions of the King's had no Effect on the Houſe of Commons; they were ſo much irritated againſt the Lords for not yielding to a Conference: And, on *May* the 28th, a Meſſage was ſent up to the Higher Houſe, by Sir *Edward Hobby* and others, in theſe Words:

'That at ſuch Time as the Knights, Citizens, and Burgeſſes of the Commons Houſe of Parliament, ſent up to the Lords a Meſſage, praying a Conference with their Lordſhips about *Impoſitions*: They hoped that, neither out of the Words nor Matter of the Meſſage, it had been poſſible to have framed any ſiniſter or unworthy Conſtruction. That notwithſtanding, by public and conſtant Fame, they had heard to their Heart's Grief, Which the Commons reſent.

An. 12 James I. 1614.

A Complaint againſt the Biſhop of Lincoln on that Account;

that one in this Place and within theſe Walls, namely, the Lord Biſhop of *Lincoln*, in order to diſſuade the Lords from a Conference ſo deſired, as aforeſaid, did uſe Words to the Effect following, or the ſame Words, *viz. That the Matter, whereof Conference was by that Houſe deſired, is a* Noli me tangere; *in Conferring, alſo, that the taking the Oaths of Allegiance and Supremacy is an Impediment; ſo, as whoſo had taken the ſaid Oaths might not enter, ſafely, into Conference of the ſaid Matter.* Affirming farther, *That it did ſtrike, not at a Branch, but at the Root of the Prerogative of the Imperial Crown; and that he doubted leaſt in ſuch a Conference, as was deſired, there would, from ſome of the Committees of that Houſe, proceed ſome undutiful and ſeditious Speeches, unfit for their Lordſhips to hear; tending to a dangerous Rent and Diſtraction of both Houſes, and to make an Alienation between the King and his Subjects.* That of ſuch Scandal their Houſe is ſo ſenſible, that they have ſent theſe Meſſengers to ſignify their Grief, and that they held the Lords ſo honourable, that they cannot but alſo take Notice thereof. Wherefore, that Houſe did deſire that their Lordſhips will join with them in ſome Courſe to give them Satisfaction for ſo great a Wrong done to the Commons; which they have taken ſo to Heart, that they have determined to forbear all Parliament Matter, until they may receive Anſwer from the Lords; wherein they doubt not but their Lordſhips will deal nobly with them, and they deſire it may be ſpeedily.'

Sir *Edward Hobby* being aſked by the Lord Chancellor, Whether he had in Writing the Meſſage ſo delivered, as aforeſaid? anſwered, He had not.

The Lords then returned Anſwer, 'That they had taken Notice of the Meſſage, and will take the ſame into further Conſideration, as the Weight thereof requireth: Wherein they will have Reſpect both to their Honours and the Honour of the other Houſe; and will ſend them further Anſwer.

After

After this, a short Memorandum is entered on the *Journals*, intimating, That before the Answer, above specified, was agreed on, the Serjeant of the Lower House came to the Gentleman-Usher of the Lords, to learn, Whether their Lordships would send Answer to the Message on that Day, or not? To which the Gentleman-Usher, with the Privity of the Lords, answered, as from himself, That he knew not; which shews the extream Jealousy then between the two Houses. An. 12 James I. 1614.

The Name of this Bishop of *Lincoln*, complained against by the Commons, was *Richard Neile*; who, was afterwards translated to *Durham*, thence to *Winchester*, and lastly, made Archbishop of *York*. This Man had been first Bishop of *Rochester*, then Bishop of *Litchfield* and *Coventry*, before he came to *Lincoln*; so that all these different Translations shewed him Courtier enough to merit them. He continued a Favourite, with this King and his Successor, to his Death, which happened at *York*, in the Year 1640; a lucky Time for a Prelate of his Principles to leave this Kingdom (*i*).

May 30th, the Lord Chancellor moved the House to consider and resolve of an Answer to be sent to the Message or Complaint, which they lately received from the other House, touching the Bishop of *Lincoln*. And, by Order, the Archbishop of *Canterbury* produced a Copy of one, ready drawn, for that Purpose, which being read, was to this Effect:

'That the Lords, having received from the Commons a Complaint against the Bishop of *Lincoln*, have seriously entered into Consideration of it, and do now return this Answer, That their

(*i*) In the Life of Dr. *Andrews*, Bishop of *Winchester*, we are told, 'That he and Bishop *Neile* being at Dinner with the King, his Majesty asked him, *If he had not a Right to take his Subjects Money without Consent of Parliament?* *Andrews* answered, *His Studies had been confined to Points of Divinity.* But *Neile*, being asked the same Question, said, *God forbid but you should, you are the Breath of our Nostrils.* Upon this the King repeated the Question to *Andrews*: To which he made this ingenious Reply, *Your Majesty has an undoubted Right to my Brother* Neile's *Money.*'

An. 12 James I. 1614

Lordships would take very tenderly that any unworthy Aspersion should be laid on that Body, which they so much respect; and with whom they desire to hold all good Correspondence and Agreement.'

'But, forasmuch as the Complaint seemeth to be grounded, not upon direct or certain Proof, but only upon common public Fame; their Lordships do not think that common Fame, only, is a sufficient Ground, whereon they may proceed as in this Cause is required.'

'Nevertheless, their Lordships are so respective of any thing that may concern that House, that when they shall be more certainly inform'd, in direct and express Terms, what the Words were wherein the Lord Bishop of *Lincoln* is to be charged, and how the same are to be proved, they will proceed therein, so effectually, according to Honour and Justice, as it shall thereby well appear how careful they are to give to that House all good Satisfaction in this Business that may be, and to omit nothing that can be justly or lawfully done in that Behalf.'

This Answer was approved on by the whole House, and sent in Writing to the Commons, by Messengers of their own; with this Instruction, That if they, of the Lower House, should require to have the Paper, then the Messengers were authorized to deliver the same, which they did accordingly.

The next Day came another Message from the Commons, brought by Sir *Roger Owen* and others; who, having first repeated the Substance of their Lordships Answer of Yesterday, acquainted this House:

'That tho' the Commons did not take common and public Fame to be a sufficient Ground or Proof, by a legal and ordinary Course of Justice, in proceeding against any Man; yet they held it enough to induce the Lords of that House to take the Matter into Consideration. And, albeit they did not set down the Words, in particular; yet, was

was the Matter, as they conceive, sufficiently laid down, when in Effect they said, 'That the Lord Bishop of *Lincoln*, in this House, to dissuade the Lords from a Conference with them touching *Impositions*, termed the Prerogative, &c. a *Noli me tangere*; insinuating that the taking of the Oath of Supremacy and Allegiance did restrain a Man from treating of that Business: Also, he doubted but in the Conference would be used, or spoken, some undutiful and seditious Words, not fit for their Lordships to hear, or Words to the like or worse Effect. That now the Commons do desire the Lords, if these Words were not spoken, so to signify it to the House; otherwise, if they were used, then they hope their Lordships will do as they have promised. Lastly, from the Commons, he said, further, That they knew not what other Course they could have taken to bring this Matter to Examination, or otherwise have any undutiful Speech, which may be moved in either House, called in Question.' An. 12 James I. 1614.

After Sir *Roger Owen* had delivered his Message, the Lord Chancellor asked him, If he had it in Writing? To which he answered in the Negative. The Lord Chancellor then acquainted him, That the House would take his Message into Consideration, and send Answer, if they could, before they rise; otherwise, will let them know as much.

Accordingly, the same Day, the Lords sent to acquaint the other House, 'That they had considered of their last Message, and, in debating thereupon, the Lord Bishop of *Lincoln* had humbly intreated that he might be heard to explain himself; which being granted unto him, he had made a solemn Protestation, on his Salvation, that he did not speak any thing with any evil Intention to the House of Commons, which he doth with all hearty Duty and Respect highly esteem. Expressing, with many Tears, his Sorrow that his Words were so misconceived and strained further than he ever intended them; and that his Speech should occasion so much Trouble to their Lordships or

An. 12 James I. 1614.

that the Lower Houſe ſhould take Offence at it. Which ſubmiſſive and ingenuous Behaviour of his, had given this Satisfaction to their Lordſhips, That, howſoever the Words might ſound, his Intention was not as it hath been taken. And their Lordſhips do aſſure the Commons, That if they had conceived the ſaid Biſhop's Words, to have been ſpoken or meant to have caſt any Aſperſion of Sedition, or Undutifulneſs unto their Houſe, (as it ſeems Report has carried it to them) their Lordſhips would forthwith have proceeded to the cenſuring and puniſhing thereof with all Severity. Nevertheleſs, tho' their Lordſhips have thought fit to ſignify their Carefulneſs at this Time to give them Contentment, for the better expediting his Majeſty's great Buſineſs, and to retain all good Correſpondence with them; yet their Lordſhips are of Opinion, That hereafter, no Member of their Houſe ought to be called in Queſtion, when there is no other Ground for it, but public and common Fame."

Which occaſions a Miſunderſtanding between the two Houſes.

The Meſſengers then proceeded to tell the Commons another Part of their Meſſage, which was, That the Lords did deſire a Conference with them by Committees of either Houſe, about a Bill for puniſhing Abuſes committed on the Sabbath-Day, called *Sunday*; which was accepted on. This Bill had been depending ſome Time in the Houſe of Lords; but, as it was prevented from being made a Law by the ſudden Diſſolution of this Parliament, we can give no farther Account of it. And, at the Conference, the Committee of the Commons, declaring, That they had no Authority, or Warrant, to treat, or confer, but only, to hear what ſhould be ſaid by the others, and report the ſame to their Houſe; the Lords broke up the Conference, and delivered back the Bill to their own Houſe.

Before we go on with the further Proceedings of this Seſſion amongſt the Lords, it will be neceſſary to look back into the *Journals* of the Commons, for an Enlargement and Confirmation of the

the foregeing Particulars; as well as a Recital of some Matters not mentioned in the other Authorities. An. 12 James I. 1614.

Three Days after the Meeting, *April* 8th, when the Commons were adjusting their Privileges, and rectifying Elections; a remarkable Case started in this last Affair, proposed by one, 'Whether the Attorney-General might be elected, in respect there was no Precedent that such an Officer of the Crown could be chosen a Member of that House? Sir *Henry Hobart's* Case being different, he being a Member of this House when he was made Attorney-General.' In the Debates on this Question, Sir *Roger Owen* argued, 'That no Attorney was ever chosen; nor, anciently any Privy-Counsellor; nor any that took Livery of the King. He quoted some Precedents for this; as the 7th of *Richard* II. a Knight Banneret was put out of the House; and by printed Authority, he instanced Sir *Thomas Moore's* Treatise after he had been Chancellor and Speaker. That the Eye of a Courtier can endure no Colours but one; the King's Livery hindering their Sight. Compared them to a Cloud gilded by the Rays of the Sun; and to Brass Coin which the King's Stamp makes current.' Sir *John Savile* moved, 'That those Privy-Counsellors who had got Seats might stay for that Time; but to put the Question, Whether Mr. Attorney should serve in that House? Much more Debate ensued on this, till at last, it was agreed to be referred to a Committee to search Precedents, *&c.* Upon the whole, it was resolved on the Question, That he shall for this Parliament, remain in the House; but never any Attorney-General to serve for the future. Case of the King's Attorney-General

April the 12th, a Supply was moved for by Mr. Secretary *Herbert*; who said, 'That if he was but a private Person, and not bound by Duty, his Motion would not be entertained with so much Jealousy. But, as a Secretary of State he urged it not for the private Use of the King, but the public Good of the Common-Wealth. That the Debate on the Motion for a Supply.

An. 12 James I. 1614. State cannot act without Redreſs of thoſe Miſeries we are under. He took them to be ill Members, who, to enrich the King's Coffers, ranſack and ranſom the King's Subjects. The Strength of the King is in the Wealth and Love of his Subjects. And to relieve the Neceſſities of the State, the King hath taken *rectam et regiam Viam*, by calling a Parliament. *Nemo tenetur ſuam Turpitudinem revelare*; the King's Debts ſhould be made known by thoſe who are beſt acquainted with them. His Navy, the Walls of our Country, never in better Equipage; yet, in ſuch Neceſſity, as muſt have been long ſince diſſolved, if ſpecial Care had not been taken to prevent it. That the cautionary Towns, for Want of Pay, were like to mutiny. *Ireland* was not ſo much a Thorn in our Foot, but a Thorn in our Side. If a Revolt ſhould happen there, what Shame and Diſgrace would be to leave it, or what Trouble and Danger to recover it? The laſt diſorderly Parliament there hath awakened *Tyrone*; who is now treating with the *Pope* to come next Summer, and that all the ill-affected there wait the Iſſue of this Parliament.——His Majeſty's Charge in *Germany*, for ſettling the right Inheritors there. The State of *France*. The Cuſtom of *Spain* to fiſh in troubled Water. If, by the double Marriage, the King take Part, he muſt needs become a Party, though with the Charge of a Royal Army. The Superfluities of one Year, of every Man at his Table, Apparel, *&c.* will diſcharge the King's Debts and protect us and all our Privileges. That we now are expoſed, by our Poverty, in all other Parts to Contempt and Scorn. That his Majeſty's Grace, as it is offered to us, may be termed another *Magna Charta*. The Marriage of his Daughter was another Cauſe of this Debt. That the *Pope* never had ſo great a Blow as by that Match; which occaſioned the King to baniſh ſo dear a Daughter from ſo indulgent a Father. He concluded, That a chearful and ſpeedy Contribution would be grateful, but with all the Conveniency poſſible; which would

would be great Joy to all, when heard abroad, that all Differences between the King and his Subjects were ended. An. 12 James I. 1614.

Mr. Chancellor of the Exchequer ſpoke next, and ſaid, 'That not only his Duty to the King, but Care of his Country, for which he would lay down his Life, moved him to inform the Houſe of what he knew they would be glad to hear. That there was no Safety to any Counſel in this Houſe, whilſt the other Motion for a Supply to the King was deferred. That 1500 poor Mariners were ready to ſalute them every Morning; others, for Want of Money, ready to pull off his Gown. That theſe were not private Expences, or Houſhold Affairs, but for Navy and Forts. *Dover* Caſtle like to fall down; two or three in the Iſle of *Wight* were in the ſame Condition. *Ireland* was like to be hazarded for Want of Money. The Garriſons in *Fluſhing* and *Brill* ready to mutiny for the ſame Cauſe; which are Pledges for near 700,000 *l.* If abruptly theſe Things be ſpoken, he was in Fear and Trembling for the Conſequence. And if now the Supply was undertaken, it would be many Months before Money came in.'

'He offered to diſcloſe the Particulars of the Debts to any Member, privately; and the Aſſurance for the well-diſpoſing of what was granted. But that it was not agreeable to the King's Pleaſure to diſcloſe his Debts to every one, no more than to direct them what they ſhould give. He therefore moved for a Sub-Committee to be appointed for this Buſineſs.'

The Attorney-General began next with telling the Houſe, 'That ſince they had been pleaſed to retain him there, he owed them the beſt Offices he could; and, if they had diſmiſſed him, his beſt Wiſhes would have been ſtill with them.—— That all pertinent Speeches tended to one of theſe three Ends; either Information of the Matter to perſuade Conſent, or to trace out the beſt Means to effect the Thing propoſed. Little remained to him in any of theſe three Kinds; ſince the firſt had

An. 12 James I. 1614. had been already delivered by them to whom, properly, it belonged. But they were to consider what hangs over us all, *viz.* Danger; what upon us, Want.'

'That, in Times of Peace, it was proper to provide for Defence, by a Supply of Treasure, as well as in Time of War; which sometimes happens for a Flag of Glory, or a Flash of Revenge, and may be pursued or left at Pleasure. But when a State is environed with envious Foreigners on the one Side, and Encroachments on Trade on the other, and Religion so much questioned, Peace may flatter us, but not secure us.——That the States of *Europe* were never so dark; and, but to look a Year before him, would trouble the best Watchman in *Europe*. There ought to be Provision of Arms for travelling in the Night as well as going to War. And what Treaty can we make with Strangers for Wrongs, but basely on our Parts and gloriously on theirs, whilst we are in Want. That no private Man is more subject to Sheriff's Officers, than a State in Want to Surprizes; and that Treasure was like Ballast to a Ship, the Word, *Steady*.'

'That Persuasion, in this Matter, was needless and unwise; a wise Man should make a Fire, but can let it alone, when it burneth well. The Fire of their Affections was kindled by the King's Speech; his Graces did shine and warm them, without the Help of a Burning-Glass. The King had made such a Tract, in almost every Point of his Prerogative, that the Footsteps of King *James* would ever remain. The King's Prerogative was not like a Bow or Watch-String, but groweth stronger by Continuance; and that when his Means shall abound, in Grace he will superabound, *Dulcis Tractus pari Jugo*. The King's Business and Common-Wealth's to go together. Lastly, He moved for no particular Committee or Sub-Committee, but a Committee of the whole House.'

These were the Sum of the Arguments the Courtiers made use of to enforce the Supply; but many

many more *pro* and *con*, were the Subject of a whole Day's Debate. The Result of which last was, chiefly, to urge that it was not now a Time. That divers Members were not yet come. The House to be called first. To receive the Communion first, as appointed, according to the Primitive Church, and then to make an Offering, *&c.* In short, the Business was deferred till after *Easter*. An. 12 James I. 1614. Which being delay'd by the Commons;

April the 18th, a Bill concerning Taxes and Impositions on Merchants Goods by the Crown, was read a second Time; and, after a long Debate, was committed to the whole House for the next Day Fortnight; the House being adjourned for that Time, on account of *Easter* Holidays. *May* 5th the Debate was again resumed, and it was resolved, upon the Question, to have a Conference with the Lords concerning *Impositions*. The rest of this Affair is already recited from the Lord's *Journals*.

The Complaint against the Bishop of *Lincoln* was made in the House of Commons, *May* 25th, on which a long Debate arose; and several severe Speeches were thrown out against the whole Order. One said, There had been continual Interruptions all this Parliament. This Bone, amongst the rest, thrown in by a Devil, if a Bishop may be a Devil. That a Speech an honourable Person made in this House hath rubbed them, and they now winch; sorry such as he had the King's Ear so much, *&c.* and moved to proceed to no other Business till this was righted. The next Day, and Day after, were entirely taken up with Disputes, how to act in this Affair; nor, could a Letter from his Majesty quiet them, but a Message was resolved to be sent to the Lords to require Satisfaction; which was done accordingly as is before related, with the rest of the Proceedings, in the *Journals* of the Upper House of Parliament.

June the 5th, the Commons still persisting in their former Resolution, the Speaker delivered a Message to them, which he had received from the King,

An. 12 James I. 1614. King, *That unleſs they forthwith proceed to treat of his Supply, he would diſſolve the Parliament.* This Meſſage ſomewhat alarmed the Houſe; and Sir *George Moore* got up and ſpake to this Effect;

The King threatens to diſſolve the Parliament.

'That this Meſſage from the King gave him much Uneaſineſs, becauſe of the State of the Common-Wealth. His Majeſty's Wants and the People's Grievances; in both which the Common-Wealth is intereſted; and is the Ship wherein they all ſailed, and muſt live or die. That if they neglected what was now to be done, the Common-Wealth would receive the Prejudice. And moved, without farther Delay, to appoint a Committee, to conſider of what was fitteſt to be done concerning all theſe great Matters.'

This Speech was ſeconded by other Members who moved to oblige the King, leſt he ſhould lay a heavy Hand upon them; that this was a Diſſolution, not of this, but of all Parliaments. That great Care was to be had of a good Concluſion, without any Extremity on either Part. Moved to preſent his Majeſty with ſome Proportion of Supply preſently. And to have a ſpecial Care to avoid the King's Penury, or his Diſgrace, *&c.*

'At length it was agreed upon the Queſtion, 'That a Committee of the whole Houſe ſhould prepare an Anſwer to the King's Meſſage; to meet that Afternoon; all other Committees, except one on the Biſhop's Buſineſs, ſet apart, till this Affair was done.' But, though the Houſe met the next Day, *June* the 6th, there is nothing of this Buſineſs in their *Journals*; and we muſt have recourſe to thoſe of the Lords, for an End of this unfortunate Diſpute between the three Eſtates of the Kingdom.

Things ſtanding in this perverſe Situation, as before related, and the Commons perſiſting in their Reſolution that they would proceed to no Buſineſs till they had more Satisfaction given them from the Lords, about the Biſhop of *Lincoln*. On the 6th Day of *June*, the Houſe of Lords being met, after

after a general and long Silence in the Houſe, the Lord Chancellor, in a very grave and worthy Speech, as the *Journals* expreſs it, 'Gave the Lords great Thanks for having ſo nobly born with the many Motions he had, ſo unreaſonably, made unto them. And beg'd Leave now to move to them a Buſineſs, which, as he ſaid, himſelf ſcarce underſtood. He then put their Lordſhips in Mind that the King, for weighty and important Reaſons did call a Parliament, to begin the 5th Day of *April* laſt, and that now it was his Majeſty's Pleaſure to diſſolve the ſame; and for that Purpoſe a Commiſſion is now put forth under the Great Seal, which is this Day to be executed.' But firſt he moved that the following Meſſage ſhould be ſent to the Commons, which was generally agreed to. An. 12 James I. 1614.

'That the Lords have underſtood a Commiſſion under the Great Seal of *England* is ſet forth for diſſolving this Parliament, as this Day, which was begun on the 5th of *April* laſt. And, foraſmuch as they thought to have heard ſomething from that Houſe this Morning, they have hitherto ſtay'd the publiſhing the ſaid Commiſſion. Their Lordſhips now expect to know whether they ſhall hear any thing from them or no; otherwiſe, the Lords Commiſſioners muſt this Day diſſolve the Parliament.'

The Commons took a little Time to conſider of this Meſſage, and afterwards, returned this Anſwer; 'That, by it, they were informed of a Commiſſion iſſued forth to certain Lords, for diſſolving the Parliament as this Day. And, that their Lordſhips have hitherto made Stay of publiſhing it, expecting to hear ſomething from them, *&c. ut ſupra.* In Anſwer to which, they give their Lordſhips to underſtand, That this Morning they received a Letter, directed to their Speaker, from his Majeſty, whereby it was ſignified, *That whereas his Majeſty, by former Letters, had declared his Determination to diſſolve the Parliament, on* Thurſday *next, except, in the mean Time, their Houſe ſhould*

Which the Commons not regarding;

An. 12 James I. 1614. *should proceed in his important Buſineſs, for which the ſame was, eſpecially, called: Yet now it was his Majeſty's Pleaſure to diſſolve the Parliament To-morrow, being the 7th of this Month, unleſs they ſhall before that Time perform what, by the ſaid former Letters, was required. Laſtly, that they have entered into Conſideration of this great Matter.*

The Lords Commiſſioners, named in the Commiſſion, by Order of the Houſe, withdrew themſelves to adviſe what in this Caſe was fit by them to be done; and being returned into the Houſe, by general Conſent of all the Lords then preſent, Anſwer was ſent to the Lower Houſe, That their Lordſhips having conſidered of the Anſwer, which that Houſe ſent to them, have reſolved to adjourn this Court until Two o'Clock To-morrow in the Afternoon, which will be the 7th Inſtant; which was done accordingly.

On that Day were preſent in the Houſe of Lords, beſides the Lord Chancellor and the two Archbiſhops, 16 other Biſhops, 17 Earls, one Viſcount, and 33 Barons. Who, being all aſſembled in their Parliament Robes, after Prayers were ended, the Commiſſioners, taking Notice of his Majeſty's Commiſſion for diſſolving the Parliament, left their proper Seats, and went up to ſit on a Bench or Form, prepared for them and placed croſs the Houſe, between the Chair of State and the Wool-Sack, whereon the Lord Chancellor uſually ſitteth. After ſome ſmall Intermiſſion, the Gentleman-Uſher was commanded to ſignify unto the Speaker of the Lower Houſe, That the Lords were ready, in their Robes, and did expect the coming up of him and the Commons, to whom his Majeſty's Pleaſure is further to be declared; according to the Commiſſion directed to ſeveral Lords for that Purpoſe.

The Parliament is accordingly diſſolved.

The Speaker and the Commons being come up to the Bar of the Houſe of Lords, the Lord Chancellor declared, 'That it had pleaſed his Majeſty to ordain this Parliament to be begun and holden on the 5th Day of *April* laſt; and now, for divers

good and weighty Conſiderations, known to his Majeſty, he had thought proper to diſſolve and finally determine the ſame; and, that for the ſame Purpoſe, his Majeſty had been pleaſed to grant a Commiſſion to certain Lords.' Then the Clerk of Parliament, going up, received the Commiſſion from the Chancellor on his Knees; and afterwards, from his own Place, read the ſame to both the Houſes. The Commiſſion itſelf, being ſomewhat particular, deſerves a Place in theſe Enquiries. An. 12 James I. 1614.

JAMES R.

A remarkable Commiſſion for that Purpoſe.

JACOBUS, *Dei Gratia*, Angliæ, Scotiæ, &c. *Reverendiſſimo in* Chriſto *Patri, ac fideli Conſiliario noſtro* (*k*), Georgio, *Archiepiſcopo* Cantuarienſi, *totius* Angliæ *Primati et Metropolitano*; Thomæ *Domino* Elleſmere, *Cancellario noſtro* Angliæ; *ac etiam Reverendiſſimo in* Chriſto *Patri*, Tobiæ, *Archiepiſcopo* Eboraci, Angliæ *Primati et Metropolitano* (*l*), &c. *Salutem. Cum nuper pro quibuſdam arduis et urgentibus Negotiis, Nos Statum et Defenſionem Regni noſtri* Angliæ *et Eccleſiæ* Anglicanæ *concernentibus, Parliamentum noſtrum apud Civitatem noſtram* Weſtmonaſterii, *quinto Die* Aprilis *ultimo præterito, inchoari et teneri ordinavimus; quod quidem Parliamentum tantummodo inchoatum fuit*, Sed pro eo quod nullus regalis Aſſenſus, aut Reſponſio, per Nos, præſtita fuit, nullum Parliamentum, nec aliqua Seſſiò Parliamenti, habuit aut tenuit exiſtentem: *Sciatis, quod certis urgentibus Cauſis et Conſiderationibus Nos ſpecialiter moventibus, hoc inſtante ſeptimo Die* Junii, *dictum Parliamentum, inchoatum ut ſupradictum eſt, duximus diſſolvendum. De Fidelitate igitur, Prudentia et Circumſpectione veſtris plurimum confidentes, aſſignavimus Vos Commiſſionarios noſtros, dantes vobis vel aliquibus tribus vel pluribus veſtrum, Tenore Præſentium, plenam Poteſtatem, Facultatem, et Authoritatem, hoc inſtante ſeptimo Die* Junii, *ad prædictum Parliamentum, inchoatum*

(*k*) *George Abbot*, tranſlated from *London*, *An.* 1610.
(*l*) *Tobias Matthews* made Archbiſhop of *York*, from *Durham*, *An.* 1606. *Le Neve's Faſti Eccleſ. Ang.*

An. 12 James I. 1614. *choatum ut supra dictum est, Nomine nostro dissolvendum; et ideo Vobis mandamus, quod Vos, vel aliqui tres aut plures vestrûm, prædictum Parliamentum, sic ut præfertur inchoatum, hoc instante septimo Die* Junii, *Virtute harum Literarum nostrarum Patentium, Nomine nostro, plene dissolvatis et determinatis*, &c. *Teste meipso apud* Westmonasterium, *septimo Die* Junii, *Anno Regni nostri* Angliæ, Franciæ, *et* Hiberniæ 12, *et* Scotiæ 47.

COPPIN

Domini Commissionarii, hodie præsentes, Virtute Commissionis prædictæ, prædictum Parliamentum, inchoatum ut supradictum est, dissolverant; Nomine Regis, Domino Cancellario ita declarante.

By the sudden Dissolution of this Parliament, all the Bills which had been brought in or passed in either House, were frustrated and entirely disannulled. At the End of the Lords *Journal* for this Parliament, is a Note, or Catalogue, of such Bills as were delivered into that House, with their Titles, by which it appears that about threescore of them were before the Lords; and though several were rejected, that there were enough left to employ their Thoughts and Time for that Session. Amongst the rest, we find that a Bill for granting a *Subsidy*, by the Temporality, is mentioned; but no Particulars of it; so this must fall to the Ground as well as the other. Since there is no farther Account, in the *Journals*, of the Reasons which induced the King to take this Resolution, than what we have already given; we must be content to give the Sentiments of our Historians about it. And first, Mr. *Wilson* (*m*), after acquainting us with several Projects, invented by the King and his Ministry for raising a sufficient Fund of Money without the Help of Parliament, and they failing, tells us, that one was resolved on, though who dare venture, adds he, on such refractory Spirits. 'Yet there was a Generation about the Court, that, to please and humour Greatness, undertook a Par-

(*m*) *Wilson* in *Kennet*, p. 696.

a Parliament; as Men presuming to have Friends in every County and Borough; who, by their Power amongst the People, would make Election of such Members, for Knights and Burgesses, as should comply, wholly, with the King's Desires. *Somerset* was the Head and Chief of these Undertakings; but this was but an Embryo and proved an Abortion. The *English* Freedom cannot be lost by a few base and tame Spirits, who would unmake themselves and their Posterity to aggrandize one Man. For, the Parliament meeting, according to Summons, such Faces appeared there as made the Court droop; who, instead of contributing to the King's Wants, laid open his Wastes; especially upon the *Scots*, with whom they desire *Medietatem Linguæ*, a Share of Favour. And they beseech his Majesty to stop the Current of future Access of that Nation, to make Residence here, having enough to eat up their own Crums. They enquire into the Causes of the unexpected Increase of Popish Recusants, since the Gunpowder Plot, the Detestation whereof they thought should have entirely extinguished them, and they find it owing to the Admission of Popish Nobility into his Councils; the Silencing of many watchful and diligent Ministers; the divers Treaties his Majesty hath entertained, not only for the Marriage of the deceased Prince *Henry*, but for Prince *Charles* that now liveth, with the Daughters of Popish Princes; which disheartneth the Protestant and encourageth the Recusant. Laying open, with these, many other Miscarriages in Government; which the King, willing to have concealed, stopped them in their Course; dissolving the Parliament, and committing to the *Tower* and other Prisons, (the Beginning of Encroachments upon the public Liberties) such as were most active for the Common Good.'

An. 12 James I. 1614.

Remarks thereon.

Thus far our Biographer; and how his Representation agrees with the undoubted Authorities of the *Journals*, is left to the Reader's Judgment. The Commitments he speaks of are not mention'd there,

An. 12 James I. 1614.

there, nor in *Camden's* Annals of this Reign; nor in any other Hiſtorian, but who has borrowed from the ſingle Authority of this partial Writer. The Reader may remember ſeveral Commitments of this Kind done in the laſt Reign, for Words ſpoke within the Houſe of Commons, by the Members of it; but, as yet, this preſent King ſtands clear from any ſuch Encroachments on the public Liberty. But, to go on ſtill with our Hiſtorian.

Wilſon informs us, 'That an Aid from Parliament being denied, the Miniſtry went upon other Projects to raiſe Money; different both in Name and Nature from the former. A *Benevolence* was extorted; a *Free Gift*, adds he, was urged upon them, againſt their Wills; and they who did not give in their Money muſt give in their Names, which carried a kind of Fright with it. But, the moſt knowing Men, (like ſo many Pillars of the Kingdom's Liberties) ſupported their Neighbour's tottering Reſolutions, by aſſuring them, That theſe Kinds of *Benevolences* were againſt Law, Reaſon, and Religion. To prove this, our Author goes on and tells us:

'That it was againſt Law, being prohibited by divers Acts of Parliament, and a Curſe prohibited againſt the Infringers of them.

'Againſt Reaſon, becauſe it was unreaſonable a particular Man ſhould oppoſe his Judgment and Diſcretion to the Wiſdom and Judgment of the Kingdom aſſembled in Parliament, who have there denied any ſuch Aid.

'And, contrary to Religion, That a King ſhould violate his Oath, taken at his Coronation, for maintaining the Laws, Liberties, and Cuſtoms of this Realm, and be aſſiſted by his Subjects in an Act of ſo much Injuſtice and Impiety. Theſe, continues he, and many other Arguments, inſtilled into the People, by ſome good Patriots, were great Impediments to the *Benevolence*; ſo that they got but little Money, and loſt a great Deal of Love. *Subſidies* get, adds he, more of their Money, but

but Exactions inſlave the Mind; no Levies do ſo much decline and abaſe the Love and Spirits of the Subjects as unjuſt Levies; they either raiſe them above, or depreſs them beneath their Sufferings; which are, equally, miſchievous and to be avoided.' An. 13 James I. 1615.

It muſt be allow'd here, our Hiſtorian is right in his Politics; *Benevolences*, though often practiſed by preceding Kings, as this Work teſtifies, yet ever met with Grudgings and Heart-burnings in the People. Whilſt, the heavieſt Taxes, laid on by Parliament, carry their Sanction along with them from their Source.

But we have no Account of the Collecting this *Benevolence* in any other Hiſtorian, except thoſe who have copied from this Original. Mr. *Camden*, in his Annals of this Reign, tells us, indeed, that a vaſt Sum of Money was exacted from the Citizens of *London*, in the Year 1617, not without Murmuring, as he ſays; but has not a Word of the other Affair; which, one would think, ſo exact an Annaliſt could not have miſſed if it had happened, and been as general through the Kingdom, as the Biographer ſeems to make it (*n*).

The King and his Miniſtry went on for ſome Years, and ſupported the Court and State without the Aſſiſtance of Parliament. What other Ways and Means they had to do it, than by the ordinary annual Revenues of the Crown, Cuſtoms, *&c.* will appear in the Sequel; for, though ſmall in themſelves, yet they were treated as Grievances in the next Parliament, and looked upon as Impoſitions on the Public. The Writer of this King's Life owns theſe to be '*Halcyon* Days, in *England*; no Taxes being now paid, and Trade open to all Parts of the World, a profound Peace reigning every where.'

The Nation muſt have been exceeding rich, whatever the Court was, at that Time. In this Interval, *Robert Carr*, Earl of *Somerſet*, fell into a Snare, probably laid for him by ſome Enemies,

(*n*) The King got only 52,909. *Camden's Annals.*

An. 14 James I. 1616.

which the Favorites of Princes can never be without. The Crime was so nefarious, that he and his Lady were made too black by it ever to hope for a Clearing; and, though their Lives were spared, they were sentenced to live in perpetual Infamy and Disgrace. The Story of this Man's Fall is too well known to claim a Repetition here: He was soon succeeded by another Favourite, *George Villars*, an *Englishman*; who, through many Degrees of Honour, came, at last, to be created Duke of *Buckingham*; and will be the Subject of much Debate, in our further Parliamentary Enquiries.

The Fall of Carr Earl of Somerset.

The Cautionary Towns given up to the Dutch.

About the latter End of the Year 1616, the Cautionary Towns were given up to the States, by this King: A Blot in his Reign, never to be wiped out, but yet this Failure, in Politics, may be, partly, imputed to the unhappy Differences between him and his last Parliament; for if a proper Supply had then been given, to relieve the Wants of the State, the King had not been drove to make such a false Step. The Reader may remember, that, at the Beginning of the last Session, when the Supply was moved for by one of the Ministry, it was urged, 'That the Garrisons of *Flushing* and *Brill*, were near going to mutiny, for want of Pay; and that these Towns were Pledges for near 700,000 *l.*' It is no Wonder then, since nothing was given to sustain these Garrisons, if King *James* was tempted to take the Money and cancel the Mortgage. Those poor and humble States, as they called themselves in the last Reign, were now grown up into *High Mightinesses*; and, being supported by *England*, in regard to the general *Protestant* Cause, came, at last, to be a sharp Thorn in the Breasts of their very Protectors. That this was the Case, and that these Towns were given by general Consent is most probable; because, in such an inquisitive Age as this, when the Conduct or Miscarriages of the Ministry were never more strictly searched into, no Parliamentary Enquiry was ever made about them.

The

The two grand Points, which took up all the Attention of the King and his Miniſtry at this Time, were the Affair of the *Spaniſh* Match, and the Loſs of the *Palatinate*. The former as much deteſted, as the Reſtitution of the latter was wiſh'd for by the People. After the Death of Prince *Henry*, the King had ſet his Thoughts on a Daughter of *France*, (proceeding from *Henry* IV. their late murdered King) for his, now, only Son Prince *Charles*. Some Overtures were made, by the *Engliſh* Court, to bring this Match about, but they did not ſucceed; the Duke of *Savoy* was beforehand with them, and got the Lady for his Son the Prince of *Piedmont*. But, during this Negotiation with *France*, the Duke of *Lerma*, Prime Miniſter of *Spain*, had frequently intimated to Sir *John Digby*, the *Engliſh* Ambaſſador at that Court, That it was his Maſter's Inclination to tie the Knot ſtronger between the two Crowns of *Great Britain* and *Spain*, by matching his ſecond Daughter with the Prince of *Wales*. The Affair being notified to *James*, it pleaſed exceedingly; and though ſo wiſe a Prince, as he is repreſented to be, might have ſeen that this was no more than a *Spaniſh* Trick to prevent the *French* Match, yet did he and his Miniſtry enter into a long and tedious Treaty about it; King *James*, removing all the Blocks that lay in the Way of his now darling Deſign, only ſtudied how to render himſelf and his Son acceptable to the *Spaniſh* Court.

An. 14 James I. 1616.

The Spaniſh Match and the Loſs of the Palatinate.

An. 1617, 1618, 1619.

The Affair of the *Palatinate* was of a quite different Nature. A War had broke out in *Germany*, by which *Frederic*, Count *Palatine* of the *Rhine*, who had married the Princeſs *Elizabeth* of *England*, was diſpoſſeſs'd of all his Hereditary Dominions. This Affair made *James* think of laying aſide his pacific Temper, in order to revenge his Son in Law, and recover his Territories for him. An Army was ſent abroad for that Purpoſe, but had not the wiſh'd for Succeſs. However, theſe Forces were not to be raiſed without a much greater Sum than could be ſpared from the King's

An. 18 James I. 1620.

own Treasury; and finding the Peoples Inclinations to be strongly bent on the Recovery of the *Palatinate*, he ventured, says *Rushworth* (who now comes upon the Carpet) to send out Writs for a Parliament to meet on the 30th Day of *January*, somewhat ominous indeed, in the Year 1620, and the 18th of this Reign (*o*). But it appears by the *Journals*, that this Parliament was summoned to meet first on the 16th of *January*; from thence it was prorogued, by Proclamation, to the 23d, and then again to the 30th as aforesaid; divers great and weighty Considerations of State, particularly in respect of the late great Ambassage, as it is expressed in the Writ, occasioning these Prorogations. It is observable, that the first Writ of Summons, which is given at length in the *Journals*, in the usual Form, is directed to *Charles* Prince of *Wales*, Duke of *Cornwal* and of *York*, and Earl of *Chester*, &c. Which Prince, we find, gave his Attendance, in the House of Lords, almost every single Day of this ensuing Session.

A new Parliament called.

A Proclamation setting forth the King's Reasons for calling this Parliament.

Along with the Writs for calling a new Parliament, the following Proclamation was published, for the electing of proper Members to sit in the House of Commons; which we shall give in its own Words and Orthography (*p*).

By the KING.

HAVING Occasion at this Tyme to deliberate upon divers great and weighty Affaires, highly tending to the Contynuance and further settling of the peaceable Government and Safety of this our Kingdom, whereof God hath given us the Charge; We have thought good, according to the laudable Custome of our Progenitors, to crave the Advice and Assistance herein of our well affected Subjects, by calling a Parliament to begin upon the sixteenth Day *of January next; and though there were no more to be had in Consideration, but the present Face of* Christendom, so

(*o*) *Rushworth's Historical Collections*, Vol. I. p. 21. These Collections begin, only, in the Year 1618, or the 16th of this King.

(*p*) *Rymer's Public Acts*, Tom. XVII. p. 270.

so miserably and dangerously distracted at this Tyme, besides a Number of other great and weightie Affaires that we are to resolve upon; we have more than sufficient Reason to wish and desire, if ever at any Time, especially at this, that the Knights and Burgesses that shall serve in Parliament, be, according to the ould Institutions, chosen of the greavest, ablest, and best affected Myndes that maie be found. And therefore, out of the Care of the Common Good, whereof themselves are also participant, we do hereby admonish all our loving Subjects, that have Votes in Elections, that Choise be made of Persons approved for their Sinceryty in Religion, and not of any that is noted either of superstitious Blindness one Way, or of turbulent Humours another Way, but of such as shall be found zealous and obedient Children to this their Mother-Church. An. 18 James I. 1620.

And, as to the Knightes of Shires, that they cast their Eyes upon the worthiest Men of all Sorts, of Knightes and Gentlemen that are Guides and Lightes of their Countries, of good Experience and of great Integrity. Men that lead honest and exemplarie Lief in their Countries, doing us good Service therein; and no Bankrupts or discontented Persons that cannot fish but in troubled Waters.

And, for the Burgesses, that they make Choice of them that best understand the State of their Countries, Citties, or Burroughes; and where such may not be had within their Corporations, then of other grave and discreet Men, fit to serve in so worthy an Assembly. For we may well foresee how ill Effects the bad Choice of unfitt Men may produce, if the House should be supplied with Bankruptes and necessitous Persons, that may desire long Parliaments for their private Protections; or with young and unexperienced Men, that are not ripe and mature for so grave a Council; or with Men of mean Qualities in themselves, who may only serve to applaud the Opinion of others on whom they depend; nor yett with curious and wrangling Lawyers, who may seek Reputation by stirring needless Questions; but we wish all our good Subjects to understand theis our Admonitions, as that

An. 18 James I. 1620. we noe Way mean to bar them of their lawful Freedom in Election, *according to the fundamental Laws and laudable Cuſtome of this our Kingdome, and eſpecially in the Times of good and ſettled Government.*

Witneſs Ourſelf at *Theobauld*, this ſixth Day of *November*.

On the Meeting of the Parliament, *January* the 30th, the King being ſeated on his Throne, was pleaſed to make the following Speech to both Houſes. The Subſtance of it, in *Latin*, is given in the Lords *Journals*. *Wilſon* and *Ruſhworth* have inſerted one at large; but, upon comparing their's with the foregoing Speeches of this King, ſo great a Difference appears both in Stile and Manner, as renders them juſtly ſuſpected. The following is the genuine Speech, taken from *Franklyn's Annals*, who tells us, *(q)* 'That he had it from Mr. *Munday*, an Ear-Witneſs thereof; and, upon Examination, we find it correſponds exactly with the *Latin* Abſtract in the *Journals*.

My Lords Spiritual and Temporal, and you the Commons,

His Majeſty's Speech at opening the Seſſion, Anno Regni 18, 1620. At Weſtminſter.

'*IN multiloquio non deeſt peccatum*, ſaid the wiſeſt King that ever was; and this Experience I have found in my own Perſon; for it is true, that there have been Seſſions of Parliament before this Time, wherein I have made many Diſcourſes to the Gentlemen of the Lower Houſe, and in them delivered a true Endeavour of my Heart: But as no Man's Occaſions, be they never ſo good, can be free from Cenſure, in regard of the Excellency required to make Perfection; ſo it may be, it pleaſed God, ſeeing ſome Vanity in me, to ſend back my Words as Wine ſpit into my own Face. So, as I may truly ſay, *I have often piped unto you, but you have not danced*; *I have often mourned, but you have not lamented:* But now I have put on this Reſolution

(q) Introduction to *Franklyn's Annals*, Vol. I. p. 7.

'solution for the few Days that are left me in this World, wherein I know not how far I have offended God; and if it may pleaſe you, eſpecially of the Lower Houſe, to apply this Rule unto yourſelves, you may find the more Fruit. An. 18 Jrmes I, 1620.

'Now to the Errand of your being called hither; for entring whereunto the more eaſily, I will begin with the general Condition of a Parliament, not to inſtruct you, whom I ſuppoſe not to be ignorant, but to refreſh your Memories; and firſt, what a Parliament is. It is an Aſſembly compos'd of a Head and a Body: The Monarch is the Head, and the Body is the Three Eſtates; which are called in all Monarchies a Parliament, which was uſed and created at the firſt by Monarchy; for Kings were before Parliaments; who, as ſoon as they had ſettled a Form of Government, and were willing that their People ſhould be guided by Law, called a Parliament. I know there are divers Sorts of Foreign Parliaments, ſome more, ſome leſs in Number: But I leave them; only this I would have you to obſerve, That it a vain Thing for a Parliament-Man to preſs to be popular; for there is no State or Parliament without a Monarchy; ſo the *Grizons*, *Swiſſes*, and *Low-Countries*, which are governed without a King, have no Parliaments, but Councils and Aſſemblies. This I put you in Mind of, that you ſerve under a Monarch, and that you muſt ſtand or fall with it.

'Now conſider, Firſt, Who calls you? Your King. Secondly, Whom he calls? the Peers, who in reſpect of the Eminency of their Places and high Honours, have an Intereſt therein by Birth and Inheritance, becauſe they are to aſſiſt the King in his greateſt Affairs. In the next Place is the Church, the Clergy; yet not all of them, but the principal Heads thereof, the Biſhops, whoſe Holineſs of Life doth claim a Privilege in Advice, and in reſpect of their Baronies: Alſo the Knights ſtand for the Shires, and

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An. 18 James I. 1620.

the other Gentlemen for the Boroughs; of theſe is the whole Body compos'd. Thirdly, Why you are called; *viz.* To adviſe the King in his urgent Affairs, to give him your beſt Advice in ſuch Errands as he ſhall aſk of you, or you ſhall think fit to aſk his Advice in. The King makes Laws, and ye are to adviſe him to make ſuch as may be beſt for the Good of the Common-Wealth: There is another Cauſe alſo, *viz.* The Houſe of Commons is called, for that they beſt know the particular Eſtate of the Country; and if the King ſhall aſk their Advice, can beſt tell what is amiſs, as being moſt ſenſible of it, and alſo petition him to amend and redreſs. You are the Authors of Suſtenance alſo to him, to ſupply his Neceſſities; and this is the proper Uſe of Parliaments. Here they are to offer what they think fit to ſupply his Wants; and he is in Lieu hereof to afford them Mercy and Juſtice; and this is that I boldly ſay, and am not aſham'd to ſpeak it, that all People owe a Kind of Tribute to their King, as a Thankfulneſs to him for his Love to them; and where there is this Sympathy between the King and his People, it breeds a happy Parliament.

'Thus much of the general Condition and ſpecial Uſe of Parliaments in this Kingdom. Now I come to the particular Cauſes which moved me to call this Parliament.

'Firſt, as in all Parliaments, the King muſt have a ſpecial Care to make good Laws; for *ex malis Moribus bonæ Leges oriuntur*: For the elder the World grows, Men become the more wiſe, the more crafty, and the more ſinful; and therefore the more Need to make new Laws for new Crimes. And here I am in a large Subject, yet, becauſe of my intended Brevity, I will ſpeak of no Particulars, but hold it beſt to leave it to the Times wherein you ſhould both ſee and read them.

'Firſt, For Religion there are Laws enough, ſo as the true Intent and Execution follow; the

'Maintenance of Religion ſtands in two Points: An. 18 James I. 1620.
'1. Perſuaſion, which muſt precede; 2. Compul-
'ſion, which muſt follow; for as all the World
'cannot create a new Creature, be it never ſo
'little, ſo no Law of Man can make a good Chri-
'ſtian in Heart, without inward Grace; but the
'Miniſter muſt perſuade, and leave the Succeſs to
'God; and if there were not ſo many Prieſts and
'Jeſuits, there would not be ſo many perverted
'to Ill; yet it is not enough to truſt to a good
'Cauſe, and let it go alone; likewiſe the buſy
'Puritans, do but ſee how buſy they are in per-
'ſuading the People. But God forbid that I ſhould
'compel Mens Conſciences, but leave them to the
'Law of the Kingdom; for the Rumour that is
'ſpread, that I ſhould tolerate Religion in reſpect
'of this Match, which hath been long intreated
'with *Spain* for my Son, I profeſs I will do no-
'thing therein which ſhall not be honourable, and
'for the Good of Religion: The Trial which you
'have had of my Works and Writings, wherein
'I have been a Martyr, tortur'd in the Mouths
'of many idle Fellows, may give you ample Te-
'ſtimony of my Integrity, in ſuch a Sort, as I
'hope you truſt the Wiſdom of your King, ſo
'far as that I will never do one Thing in Private,
'and another in Public: But if, after this my De-
'claration, any ſhall tranſgreſs, blame not me, if
'I ſee them ſeverely puniſhed.

'Now the main Errand, to ſpeak Truth, which
'I have call'd you for, is for a Supply of my ur-
'gent Neceſſities; ye can all bear me Witneſs, I
'have reigned 18 Years among you; if it be a
'Fault in me, that you have been at Peace all this
'while, I pray you pardon it; for I take it for an
'Honour to me, that ye ſhould live quietly under
'your Vines and Fig-Trees, eating the Fruit of
'your own Labours, and myſelf to be a juſt and
'merciful King to you; ye have not been troubled
'with preſſing of Men, and with a thouſand In-
'conveniences which the Diſaſters of War pro-
'duceth; and yet within theſe 18 Years I have

'had

An. 18 James I. 1620.

had leſs Supplies than many Kings before. The laſt Queen (of famous Memory) was ſo far ſupplied in her Time, as it grew to an annual Contribution; which by Computation came to 135,000 *l.* a Year at the leaſt. I had never above four Subſidies, and ſix Fifteenths; I challenge no more Deſert than ſhe; but ſure I am, I have governed you as peaceably the Time ſince my Supply hath been, as if Women with Child, *quæ decem tulerunt Faſtidia Menſes*, who after ten Months Longing are delivered of their Burden; but I have travailed ten Years, and therefore now full Time to be delivered of my Wants. I was ever willing to ſpare you till now. It is true, Two Arguments were uſed in other Parliaments againſt Supplies: Firſt, That many Subſidies had been given by them, and therefore they required a Time of Reſpiration; which Objection is now taken away: The other was, That my Treaſure was confuſedly governed by me; ſo as ſome did not ſtick to ſay, that they would give me all they had, were they ſure it would come into my Purſe: Now you have ſeen Trial of my late Care in two Years laſt paſt, in looking into the Particulars of my Eſtate, wherein I muſt confeſs, that I have found my Revenue, as *Job's* Friends, forſaking me. In my Houſhold Expence, I have abated 10,000 *l. per Annum*; in the Navy, I abated 25,000 *l. per Annum*; and ſhortly hope to abate 10,000 *l.* more in mine Ordnance; I have brought mine Expences from 34,000 *l.* to 14,000 *l.* and yet was loth at firſt to think that Things were ſo much out of Order; but at the laſt, by Means of the Information of ſome private honeſt Gentlemen, I was induced to enter into a particular Survey; and herein ſuch was the Love of my young Admiral to me, as he took the only Envy of all upon himſelf for my Sake; and tho' he be but young, yet I find him true in Faith, and an honeſt Man, who hath had the better Succeſs in all the reſt; he took under himſelf divers Commiſſioners, as a young Commander

'er ſhould do, the better to preſerve him from 'Errors, and then ſought no Reward, but my 'good Service; yet went nevertheleſs through 'all with a great Diligence and happy Succeſs; 'and therefore I hope the Kingdom ſhall ſay, I 'have a true Care of my Eſtate, not taking from 'others, by Violence, Houſe or Land, but go-'verning my own with good Huſbandry: And 'now I look your Supply will not fall into a bot-'tomleſs Purſe. An. 18 James I. 1620.

'The next Cauſe of your calling is for an urgent 'Neceſſity, the miſerable and torn Eſtate of *Chri-'ſtendom*; which none that hath an honeſt Heart, 'can look on without a weeping Eye. I was not 'the Cauſe of the Beginning thereof, (God knows) 'but I pray God I may be a happy Inſtrument of 'a happy Ending the Wars in *Bohemia*; I mean, 'wherein the States expell'd the Emperor, and 'choſe my Son-in-Law their King: I was re-'queſted at firſt by both Sides to make an Agree-'ment between them; which coſt me 3000*l.* in 'ſending *Doncaſter* on an Embaſſy for that Pur-'poſe. In the mean Time they caſt off all Alle-'giance, and choſe my Son, who ſent to me to 'know whether he ſhould take the Crown upon 'him or not; and yet within three Days after, 'before I could return my Anſwer, took the 'Crown on his Head; and then I was loth to 'meddle in it at all, for three Reaſons.

'Firſt, I would not make Religion the Cauſe of 'depoſing Kings. I leave that Cauſe to the Je-'ſuits, to make Religion a Cauſe to take away 'Crowns.

'Next, I was not a fit Judge between them; 'for they might after ſay to me, as he ſaid to '*Moſes*, *Who made thee a Judge over us?* And 'myſelf would not be content that they ſhould 'judge whether I were a King or not.

'Laſtly, Becauſe I had been a Meddler between 'them, and then to determine my Son might 'take the Crown upon him, had been unproper; 'and yet I left not off, ſo far as Nature compell'd

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An. 18 James I. 1620.

me, to admit his Good. I permitted a voluntary Contribution, to preserve the *Palatinate*, which came to a great Sum; for that Purpose I borrowed also 75,000 *l.* of my Brother of *Denmark*, and now have sent to him to make it up 100,000 *l.* and all this have I done with the Charge of Ambassadors, and otherwise; which have risen to an infinite Sum, which I have borne myself, and hath cost me above 200,000 *l.* in preserving the *Palatinate* from invading, finding no Hope of the rest, besides 300,000 *l.* and besides the voluntary Contribution: And I am now to take Care for a worse Danger against next Summer, albeit, I will leave no Travel untried to obtain a happy Peace; but I thought good to be armed against the worse Time, it being best to intreat of Peace with a Sword in my Hand. Now I shall labour to preserve the rest; wherein I declare, that if by fair Means I cannot get it, my Crown and Honour, and all shall be spent with my Son's Blood also, but I will get it for him: And this is the Cause, for all the Causes of Religion are involved in it; for they will alter Religion where they conquer, and so perhaps my Grand-Child may suffer, who hath committed no Fault at all. There is nothing done without a Speedy Supply, and *bis dat qui cito dat*; wherefore I hope you will no more fail me now, than you have done my Predecessors. In this I must trust your Cares; and I think if a Man could see all your Hearts in one Face, it would testify a general Acclamation of this my Motion.—— Consider who it is that moves you, your King; and his Care of Reformation, and the Charges which he hath discharged, besides 40,000 *l.* of late in the Pyratical War; and consider, if I deserve not your Respects.'

'For your Parts you may be informed of something fit to me required of Me for Matter of Justice; I never directly nor otherwise desired the contrary; for which Purpose I have chosen Judges of the best Learning and Integrity that I could

'could; and if they prove unjuſt, I will not ſpare them. It's ſtrange that my Mint hath not gone this eight or nine Years; but I think the Fault of the Want of Money, is the uneven balancing of Trade; for other Things (I confeſs) I have been liberal; but the main Cauſe of my Wants hath been the ill Government of thoſe whom I have truſted under me: For Bounty, I will not make every Day a *Chriſtmas*; and yet it may be I have hurt myſelf in ſome, and in others my Subjects; but if I be truly informed, I will rightly reform; but for you to hunt after Grievances to the Prejudice of your King and yourſelves, is not the Errand: Deal with me as I deſerve at your Hands; I will leave nothing undone that becomes a juſt King, if you deal with me accordingly. I know this Parliament hath been of great Expectation; and ſo was that at my firſt Coming, when I knew not the State of this Land. I was then led by the old Counſellors I found which the old Queen had left, and it may be there was a Miſleading, and a Miſunderſtanding between us, which bred an Abruption: And at the laſt Parliament there came up a ſtrange Kind of Beaſts called *Undertakers*, a Name which in my Nature I abhor; which cauſed a Diſſolution; now you have the Advantage, that I call you out of my free Motion, and my Truſt is in your good Offices for my good Eſtate; even in all and every one of you I hope I want not good Subjects; and I aſſure you, ye ſhall find an honeſt King of me: How happy a Fame will it be that he is reverenced and loved by his People, and reciprocally loves them? Now ſhall I be honoured by my Neighbour Princes, and my Government peradventure made an Example for Poſterity to follow. And ſo I leave you.' An. 18 James I. 1620.

After the King had ended, the Lord Chancellor, Sir *Francis Bacon* Viſcount *St. Alban*, by his Majeſty's Command, directed the Commons to chuſe

An. 18 James I. 1620.

chuſe a Speaker; who preſented *Thomas Richardſon*, Eſq; Serjeant at Law, for that Office; and he, with the uſual Ceremonies, was approved of.

Thomas Richardſon, Eſq; elected Speaker.

In order to give the Proceedings of this Parliament, with the utmoſt Impartiality, we ſhall keep ſtrictly to the Authority of the *Journals*; except where *Ruſhworth*, or any other Hiſtorian intervenes, with ſome Circumſtances not taken notice of in the former. By the ſame Rule we may be able to detect any Fallacies, which the Prejudice of Party, now beginning to run high between King and Parliament, may have given Riſe to. For this End we ſhall adhere, more cloſely, to the Proceedings of this Parliament, *de Die ad Diem*, than we hitherto have done; the Juſtneſs of which Method it is hoped will compenſate for the Tediouſneſs of it.

The firſt Day of doing Buſineſs, in the Houſe of Lords, was *February* 5th, when the Lord Chancellor moved the Houſe, 'That ſuch as have any Proxy from any Lord, licenced by his Majeſty to be abſent, ſhould deliver the ſame to the Clerk of the Houſe; and that every Lord ſhould cauſe the Writ of Summons, to him directed, to be given to the ſame Clerk; to the End that by theſe Proxies and Summons, ſo entered, it may better appear who was abſent.

Debate on the Form of a Writ for ſummoning the Peers.

After this, the Lord *North* ſtood up and acquainted the Houſe, That having read and conſidered of the Summons, directed to himſelf, he found the ſame to vary from the former and ancient Form of Writs of that Nature. The Conſideration of which was by their Lordſhips referr'd to the Committees, which ſhall be nominated and appointed to conſider of the Orders and Cuſtoms of this Houſe, the Privileges of the Peers of the Kingdom, and Lords of Parliament. A Committee was immediately named for that Purpoſe, conſiſting of the Archbiſhop of *Canterbury*, all the great Officers of State, eight Earls, ſix Biſhops, and fifteen Barons. Theſe had Power to call to attend them the Chief Lord Juſtice, ſome other Judges,

Judges, the Attorney-General, and such other of his Majesty's Council as they thought fit, to meet in the painted Chamber, after the Rising of the House. An. 18 James I. 1620.

February 8. Several Lords were excused Attendance for Want of Health, or on other Occasions. The same Day one *Richard Camell*, a Clerk in the Petty-Bag-Office, was brought to the Bar of the House of Lords, to answer a Complaint made against him, for omitting in the Body of the Writs, directed to several Lords, these Words, *Perdilecto & fideli nostro*, and had only given the Names of such Lords, to whom the said Writs were directed. And though the said *Camell* did then and there, on his Knees at the Bar, humbly acknowledge his Fault, and declared himself very penitent for the same; yet, as he was not able to excuse or make any Defence for his Neglect, and because it was held justly offensive to those Lords whom it particularly concerned, and to be much against the Honour and Dignity of the House; by unanimous Consent, the said *Camell* was committed Prisoner to the *Fleet*.

This Day, a Report was made from the Committee of Privileges, *&c.* and a Schedule, or Note, was delivered in of what they had already done, and how they intended to proceed. It was ordered that the said Note should not be entered or registred till towards the End of this present Parliament, when a Detail of all their Proceedings was to be given in, and on which the House was to order accordingly.

Feb. 10. An Order was made for the Enlargement of *Richard Camell*, on his humble Petition to the House. And the House was called over, when every Lord answered distinctly to his Name, beginning with *Charles* Prince of *Wales*, and so descending down to the youngest Baron.

Feb. 14. The Lords being informed that some Messengers from the Commons attended at the Door, they were called in. When Sir *Edward Coke*, accompanied with the Lord *Cavendish*, Sir

An. 18 James I. 1620.

Fulk Greville, Chancellor of the Exchequer, the Treasurer of the Houshold, Mr. Secretary *Calvert*, and several others of that House, delivered the following Message to the Lords.

A Conference for putting the Laws in Execution against Jesuits, &c.

'That the House of Commons do pray a Conference, concerning joining in Petition by Committees of both Houses, unto his Majesty, for the better Execution of the Laws against *Jesuits*, *Seminary Priests* and *Popish Recusants*; and this, by the Nether House, is desired to be with all convenient Expedition.'

After the Messengers were withdrawn, the House took the Message into Consideration; the Desire of the Commons was generally approv'd on, and a Committee for the Conference was appointed.

At the Request of the Archbishop of *Canterbury*, a Sub-Committee of nine Lords was named, for the Matter of Customs and Privileges, *&c.* instead of the greater Number aforesaid.

Feb. 15. The Lord Chancellor declared that his Majesty, having been mov'd to know his Pleasure when the Committees of both Houses shall wait on him, with their Petition, relating to *Jesuits*, *&c.* had appointed *Saturday* the 17th Instant for that Purpose. The Lord Chancellor was desired to be the Common Mouth, in delivering the Petition from both Houses to the King: But some Debates arising, about the Form of the Petition, the Consideration thereof was referred till next Morning.

February 16. It was moved, that since the Commons desired his Majesty to declare himself for the Execution of the Laws against *Jesuits*, *Seminary Priests*, and *Popish* Recusants, by Proclamation, whether, to the Word Proclamation, *or otherwise*, should not be added? Upon a Division of the House, it was carried for the additional Words; but, with Proviso, That if the Commons did not approve of them they should be left out in the Petition. The Committee of Lords having acquainted that of the Commons with this Resolution, the Commons insisted upon it, that nothing formerly agreed to, should receive any Alteration

in

in Matter or Form. The Prince was of the Lords Committee. An. 18 James I. 1620.

This Day, alſo, the Lord Chancellor acquainted the Houſe with an odd Affair, concerning a Quarrel or Jar happening between two noble Members of that Houſe, the Earl of *Berkſhire* and the Lord *Scroop*; namely, that the former did puſh, or thruſt, the other, forcibly, in the Houſe, againſt the Honour and Dignity of it. Complaint of a Quarrel between the Earl of Berkſhire and Lord Scroop;

Hereupon, both the ſaid Lords were called to the Bar to anſwer the Miſdemeanor aforeſaid; and, it appearing, by Proof, that the ſaid Earl was the Aggreſſor, and did violently puſh the Lord *Scroop*; they were both ordered to withdraw into ſeparate Rooms, till the Houſe could take Conſideration of this Matter. Soon after, the Earl of *Berkſhire* being called again to the Bar of the Houſe, and being on his Knees, the Lord Chancellor told him, that the Houſe had conſidered of his Fault, which they found to be very great; in that his Lordſhip being a Peer, who therefore ſhould be tender of the Privileges of the Houſe, had, in the Houſe, and in the Preſence of the Prince his Highneſs, offered Force to a Member of the ſame. The Cenſure therefore was, that his Lordſhip be committed cloſe Priſoner to the *Fleet*, until the Houſe ſhould take further Order in that Cauſe. The Gentleman-Uſher was ordered to attend the ſaid Earl to his own Houſe, at his Requeſt, but diſarmed, and from thence to the *Fleet*. Whereupon the former is committed to the Fleet.

Afterwards the Lord *Scroop* was called for, and brought into the Houſe, and ordered to his Place; to whom ſtanding uncovered, the Lord Chancellor declared, That the Lords had conſidered of the Nature of the Fault wherewith he ſtood charged, and found him not worthy of Blame, for any Fault of Commiſſion, but only of Omiſſion, in not complaining to the Houſe. That otherwiſe he had carried himſelf temperately, and therefore it was the Pleaſure of the Houſe he ſhould keep his Place.

An. 18 James I. 1620.

February 17. Some Reports were made to the Houſe by the Sub-Committee on Cuſtoms and Privileges, *viz.* That they deſired Authority to be given them, to depute ſome proper Perſons to have Recourſe to, and make Search amongſt any of the Records of the Crown, for Matters relating to them; for the more Eaſe and ſpeedier Proceeding in that Buſineſs. That they may, alſo, have Power to peruſe daily, and rectify what they think fit in the *Journal* Books of this Houſe, now or hereafter to be entered there by the Clerk of Parliament; both which was agreed to.

Proceedings of the Lords Committee in Matter of Privilege.

The Lord *Hunſdon*, one of the ſaid Committee, acquainted the Houſe, That, in one of their late Meetings, a Debate aroſe, in which the Opinion of two Judges, who were appointed to attend them, was aſked. That the ſaid Judges were unwilling to deliver any Opinion, or to enter into any Diſcourſe about it; becauſe, as they alledged, the Matter propoſed touched the King's Prerogative. But the Committee, conceiving that the ſame did not any way concern the Prerogative of the Crown, do think ſuch Forbearance in the Judges, to ſatisfy them in this Matter, very diſtaſteful and diſliking to them.

This was ſeconded by the Lord *Houghton*, who added, What the noble Lord before had ſpoken did not proceed from Curioſity in the Committee; for, upon Peruſal of the Writ of Summons to the Judges, they find that they are thereby called *Conſilium impenſuris*. Laſtly, he ſaid, that the Committee was as tender of his Majeſty's Prerogative as was fitting. Hereupon, it was ordered, that both theſe Judges ſhould attend the Houſe, to anſwer this Affair, at their next Sitting.

The ſame Day, the Lord *Scroop* moved the Houſe for the Enlargement of the Earl of *Berkſhire*, committed for an Offence againſt himſelf, and the Honour of the Houſe. It was ordered, that the ſaid Earl ſhould immediately have the Liberty of the Priſon, but to continue there till the Houſe ſhall take further Order therein.

February

February 10. The Lord Chancellor made a Report to the Lords of what had paſſed at the Acceſs of both Houſes unto his Majeſty's Preſence, on *Saturday* laſt. His Lordſhip's Relation was brief, as he told them, as well becauſe moſt of all their Lordſhips were then preſent; but, principally, for that his Lordſhip knew, and willingly acknowledged, he was no way able, in any Degree, to deliver it in ſuch Sort, as his Majeſty ſpake it. An. 18 James I. 1620.

The Lord *Berkſhire's* Submiſſion having been delivered in Writing, it was openly read in *hæc Verba:*

The Earl of Berkſhire's Submiſſion.

My Lords,

I am wonderful ſorry to have ſo overſhot myſelf, as to have done any thing that juſtly diſtaſted the Houſe; eſpecially, at ſuch a Time as his Highneſs was therein; which I deſire your Lordſhips to conceive to have proceeded out of ſudden Paſſion, in reſpect of a Conceit and Apprehenſion of a Diſtaſte given me. But ſtill I ſubmit myſelf to your Lordſhips grave and wiſe Cenſure, humbly requeſting your Lordſhips to accept of this, as Satisfaction, from him that will ever be,

Your Lordſhips humble Servant,
F. BERKSHIRE.

After the Reading of a Bill of no public Concern, the Lord *Berkſhire* was called, and being directed to ſtand up from his Knees, the Lord Chancellor ſpoke to him to this Effect:

My Lord of *Berkſhire*,

When you were laſt here, you heard of your Fault and Puniſhment, now you ſhall of your Releaſement: The Lords having underſtood, and nobly conſidered of your Submiſſion; and the Party, eſpecially grieved, being a Suitor for your Diſcharge, whereunto all their Lordſhips have yielded; with this, that a public Reconcilement and Satisfaction be made between you.

The Lord *Berkſhire* then went to the Prince at the upper End of the Houſe, and, on his Knees,

An. 18 James I. 1620.

said somewhat in a low Voice to him; it was not heard by the rest of the Lords, but thought to be an Acknowledgment and Submission for his Offence committed in his Highness's Presence. Afterwards the Lord *Scroop* went from his Place to the Prince, and there, in Presence of his Highness and many of the Lords standing by, the aforesaid two Lords were reconciled. The Lord Chancellor being returned to his Place, openly rehearsed this Matter to the House; and added, That if either of the said Lords, so reconciled, should at any Time hereafter, do, or offer to the other, any Wrong, contrary to this Reconcilement; the Party, so offending, would be deem'd guilty of an high Offence to the Prince, and Contempt of the House.

Upon his Reconcilement with Lord Scroop, he is discharged.

February 20. A Message was sent from the Lords to the Lower House, desiring a Conference, in which the Substance of his Majesty's Answer to the late Petition of both Houses, might be delivered to them, by the Lord Chancellor, who by common Consent had been appointed the Prolocutor of both Lords and Commons, on that Occasion. The Time, if it was convenient to them, forthwith in the *Painted Chamber*.

This was agreed to by the Commons; and on the Return of the Lords Committee, the Lord Chancellor acquainted the whole House, That he had communicated the Substance of his Majesty's Answer to the Committee of the other House, from such Notes as he had taken of it, when it was given. That, thereupon, Sir *Edward Coke*, one of their Committee, had desired him to let them have the Memorial in Writing which he had taken; since they of the other House had delivered in their Suit, or Petition, in the same Manner. To this he answered, That forasmuch as the Paper, on which he took the said Memorial was small, and unfit for public Perusal, he desired he might have Time, till To-morrow, to perfect his said Notes.

The

The Question being then put, Whether they should be delivered in the Manner the Chancellor mentioned? it passed in the Affirmative. The Lord *Hunsden* moved that the Original should remain with the Clerk of this House, but was not seconded. An. 18 James I. 1620.

Nothing material happening to come before the Lords for some Days, their Time being taken up in reading of private Bills, or such as did not greatly affect the Public, and hearing Complaints on Breach of Privilege for Arrests, *&c.* we shall now look into the House of Commons.

They first set out with Religion; *a Jove principium*, as Sir *James Perrot* said; who moved, 'That all the Members of the House might take the Communion; which was a Touchstone of their Faith.' Sir *Edward Gyles* moved for 'Liberty of Speech, but not to admit extravagant Speeches; and that such should be punished in that House. That there were many *Popish Recusants*, and Multitudes of *Jesuits* and *Seminaries*, ready for Mischief, in and about this City. That their Malice encreased with their Number. Put the House in Mind of the Gunpowder-Plot. Moved to petition the King to put the Laws in Execution against them.' Debate in the Commons,

This Motion was seconded by Sir *Jerome Horsey*, who moved, 'That four, or six, of that House might be appointed to search the Vaults and Cellars, under the Parliament-House, twice a Week. That Numbers, hereabouts, might prove dangerous; and their Malice like to be the principal Cause of the Ruin of the King of *Bohemia*. Their making Bonfires and rejoicing at it. But hoped that King yet remained the Lord's Anointed, and that he would be again established; and be the Means to ruin the *Pope*. That they that eat their God would eat us, *&c.* As to Recusan

These and many more such kind of Expressions were thrown out against the *Papists*. And it was at last agreed for a Conference with the Lords to

An. 18 James I. 1620. join with them in a Petition to the King to put the Laws in Force against them.

The same Day, *February* 5th, Mr. Secretary *Calvert* put the House in Mind of what this Parliament was principally called for. 'The *Ardua Regni*, mentioned in the Writs, were to make good Laws, and to supply the King's Wants; which last was for to keep the State from Danger and Scorn. That this was more pressing, and now a bleeding Business; therefore, though it was not usual, yet, in respect to the Necessity and Rareness of the Case to begin first with this. That the King expected a Supply, in these his urgent Necessities, and especially to recover the Patrimony of his Children, that the King's Wants were known to be urgent; and how could it be otherwise, considering the vast Expences of the Crown, and the small Means the King had received from his Subjects; except the *Benevolence*, none in ten Years Time.'

The Supply;

'The King had strove to lessen his Expences, being loth to burthen his People;——Household, Navy, Ordnance, *Ireland*, &c. The Crown not to be suffered to lie under this Burthen without Help. Dangerous, not to King only, but to Kingdom also; for they are Relatives not to be disjoin'd.'

'Though the King, for many just Causes, had hitherto been Neutral for *Bohemia*; in respect of Conscience, Honour, &c. yet, for the *Palatinate*, if not by Treaty, he was resolved by War to regain it. But this admits of no Delay, one Day's Neglect may overthrow it. The State of it now is, that *Spinola* hath conquered all but *Heydelberg* and two or three other Places; *Bohemia* defeated; all the Confederate Princes and Countries fall'n off, and reduced to the Emperor's Obedience. That this Affair had been referred to a Council of War, who have reported 30,000 *l.* Charge for the first Year. The King already hath borrowed and employed in that Business 100,000 *l.* That an extraordinary Embassage was ready; but the best Treaty was with Sword in Hand.'

'That

'That all *Chriſtendom* was in Confuſion; *Germany*, *Bohemia*, the *Low-Countries*, *Sweden*, and *Poland*; the *Turk* had got the greateſt Army they ever had, ſince the Time of *Solyman*; which was to be ready by the 1ſt of *March*. This Circumſtance, alone, is very important to us; and it is not honourable for our King to have his Sword in his Sheath, when ſo many are drawn.' An. 18 James I. 1620.

'For our Grievances; they are many and juſt; no Body without ſome Sores; the King had promiſed a gracious Hearing on that Score; and he that will not take hold of it, betrayeth his Country for which he is truſted. Laſtly, he moved for a Committee.'

Sir *William Cope* ſpoke next. 'He profeſſed his own Zeal to further the King's Buſineſs; but was againſt the Queſtion for a Committee at that Time. He wiſhed this Parliament had been held a Year ago; but now it was fitting to look what was to be done. That the Supply, granted, muſt be divided; for *Bohemia*, the *Palatinate*, and for the King's other Wants; but a Committee was not fit now for any of them. That he expected a Committee of the whole Houſe would ſit every Afternoon; to conſider the State of *Chriſtendom*, *England*, the State of Wars, and the beſt Means to carry them on. This to be done by a general Committee; which will be the greateſt Terror to the Adverſary.'

The Treaſurer of the Houſhold ſaid, 'That he beſeeched the Honourable Houſe to conſider, that never any well-affected Subjects had greater Cauſe to be preſſed and make Supply for preventing of preſſing Dangers. That there was no Doubt of the King's Willingneſs for Retribution. Open and free Dealing with him were the beſt Means to work upon his Royal Diſpoſition. He promiſed all his own good Offices to further this; and concluded, That whoſoever doth not do ſo, betrayeth both King and Kingdom.'

Sir *John Davys*. 'I expected not this Motion, as this Day; but I think it fit, ſince it is now moved.

An. 18 James I. 1620.

moved. All Men run together to quench a Fire; which is our Case. Though we are not so here; yet the *Palatinate* is on Fire; Religion is on Fire; and all other Countries on Fire.'

'Though we begin this Matter now, we cannot end it so; though we agree on *Subsidies*, yet, there must be Time for drawing Bills, reading and passing them; Commissions, Levying, Paying in, *&c.* But this is the greatest Cause, the greatest Occasion for a Supply, since the Conquest. I shall mention four other Causes.'

'1. For Recovery of the *Holy-Land*. 2. For the Redemption of *Richard* I. 3. For the Recovery of *France*. 4. For saving of *Ireland*; but, the Recovery of the *Palatinate* is greater than all.'

'For the sake of *Jerusalem*, there was a perpetual War, for 100 Years, at least. *Henry* II. gave 50,000 Marks at that Time. *Richard* I. pawned all the Jewels and Demesnes of the Crown. All this to obey the *Pope's* Commands and Imposture; which was to recover that blessed Land the *Pope* had cursed, but, his End, to usurp their temporal Jurisdiction. We, for the *Palatinate*, have a just Title; they none.'

'For the second. *Richard* I. his Ransom was 150,000 Marks; Plate of Religious Houses, Chalices, *&c.* were melted down for it. This was a noble Work, and better than the *French* did; who left their King here, several Years, unransomed. But Religion was not then in Question, as it is now.'

'So for the Wars in *France*; the Title was just, and though recovered at last, yet there was great Expence about it. No Loss, if it had not been meddled with at all. But, the *Palatinate* otherwise; this is dangerous to the *Low-Countries*, the *United Provinces*, and the whole *Protestant* Interest.'

'For *Ireland* two Millions were disbursed; and six *Subsidies* and twelve *Fifteenths* given here. Yet, the Loss of *Ireland* not so dangerous as the *Palatinate*; for the *Irish* would never long have endured *Spanish*

Spaniſh Tyranny. Therefore, I move, for giving this very Day; and, no Doubt, God will bleſs it.' An. 18 James 1620.

On the other Hand, Sir *George Moore* ſaid, 'That ſince divers Things had been propoſed, every Man expected and required Liberty of Speech. As free Choice, ſo free Voice. That this was granted in the Proclamation before Parliament *(r)*; and ſince, by the King's own Mouth. We live under Laws made by ourſelves; other Nations are governed by the Civil Law; and, he doubted not but every Man would keep himſelf within Bounds.' Freedom of Speech.

'That Religion and the Church were the principal Matters of a Parliament; Grievances and Supply the next. Parliaments were anciently called to relieve Grievances, as appears by the Statute of *Edward* III. And many of thoſe were increaſed in this long Intermiſſion. That *Eſau* came out firſt, yet *Jacob* was the Bleſſing. Therefore, he moved, That the Supply and Grievances might go Hand in Hand together; and that a Committee of the whole Houſe might be appointed, to conſider of both; but no Speech now *de quanto*.'

Sir *James Perrot*. 'If we differ with our Equals, to have it done in Love; if, with our Superiors, with Reſpect. Supply and Grievances to be as Twins; to go together and have no Precedency. That there was a Proclamation to reſtrain ſpeaking of Matters of State, and the King's Speech confirmed it. There was, alſo, a Reſtraint put on petitioning in Religious Matters. Moved for a Petition to the King to explain himſelf what he intended by Matters of State. If *Recuſants* and the like, ſo *Monopolies*, *&c.* may come within the Compaſs of the Prerogative: Even, for the *Palatinate*, what to be given, how to be employed, *&c.* may come within Compaſs of Matter of State. A Committee may form ſuch a Petition, and bring it into the Houſe To-morrow. Is againſt Conference with the Lords; *Fruſtra fit per plura, quod fieri poteſt per pauciora.* He truly honoured

(*r*) See before p. 312.

An. 18 James I. 1620.

honoured all the Lords in general; but, in the laſt Parliament they rejected Conference; if they denied them again, it would be a Prejudice. Moved for a Committee to conſider of a Petition to his Majeſty to the Purpoſe above.'

The Maſter of the *Rolls*. 'I commend the laſt Gentleman's Speech, but differ from him, in ſending a Meſſage to the King about that which he yielded before, as freely and fully as could be. I hope that none will abuſe this Liberty of Speech; and, if they do, that this Houſe would puniſh them for it, before Notice be given of it to the King.'

'For the Neceſſities of the Kingdom; all who have ſpoken have done it to one End; every one hath a ſpecial Intereſt in it, in regard to his Eſtate, Children, *&c.* He ſpeaketh both for King and Kingdom. The Hazard of the King's Grand-Children, which are five, deſcended from the Lady *Elizabeth*. The Relief is thought neceſſary by all; the Queſtion, only, of the Time when to treat of it. If not ſpeedily, it will do no Good; neceſſary Delays, though begun now, muſt make it long before it be received. I agree, that Supply and Grievances go together; and that half the Houſe may attend one, and half the other. Neceſſity is a Law, againſt which there is no Reaſoning. Let both be reported together. The King hath more Deſire to redreſs our Grievances, than we to ſupply him.

Sir *Edward Coke*. '*Virtus ſilere in Convivio, Vitium in Conſilio.* I joy that all are bent with Alacrity againſt the Enemies of God and us; *Jeſuits*, *Seminaries*, and *Popiſh Catholics*; it was a Grievance complained of the 8th of this Reign, that the Laws againſt *Recuſants* were not executed; I would have all thoſe Grievances, 8 *Jac.* reviewed, of which that was one; if any new increaſed to take ſpecial Conſideration of them. *I* and *Popham* were thirty Days in Examination of the *Powder-Plot* at the *Tower*. The Root of it was out

out of all the Countries belonging to the *Pope*. And *Faux* repented him that he had not done it. God *then*, and in 1588, delivered us for Religion's Sake.' An. 18 James I. 1620.

'The Privileges of the Houſe concern the whole Kingdom; which, like a Circle ends where it began. But take heed, we loſe not our Liberties, by petitioning for Liberty to treat of Grievances, *&c.* No Proclamation can be of Force againſt an Act of Parliament. In *Edward* the 3d's Time, a Parliament was holden every Year, that the People might complain of Grievances. If a Proclamation comes againſt this; the Law is to be obeyed, and not the Proclamation. The 4th of *Henry* VIII. *Strowde* moved againſt the *Stannary* Court; but was fined after the Parliament, and impriſoned by the Steward of the *Stannary*. Thereupon, a Law enſued, for Freedom of Speech in the Houſe; but it ought to be done in due and orderly Manner.'

'My Motion is, that the Grievances may be ſet down; thoſe that are nought in *Radice*, or *Tractu Temporis*, firſt. The King's ordinary Charge and Expences much about one; the extraordinary ever borne by the Subject; therefore, the King can be no Beggar. And, if all the Corn be brought to the right Mill, I will venture my whole Eſtate, that the King's will defray his ordinary Charges. Laſtly, he moved for a Committee of the whole Houſe for Grievances; and ſaid, the Remedying them would encourage the Houſe, and enable them to encreaſe the Supply.' And Grievances.

The Upſhot of this Debate, was, that at laſt, it was put to the Queſtion, Whether a Petition to the King for Freedom of Speech, againſt Recuſants, the Buſineſs of the Supply, and for Grievances, ſhould be referred to a Committee of the whole Houſe? And it was reſolved to go upon them that Afternoon.

But we hear no more of this Matter of Supply for a long Time. The public Grievances got the upper

An. 18 James I. 1620.

upper Hand of it entirely; and the House of Commons applied themselves so closely to this Point, and the Censuring of Delinquents in Patents and Monopolies at Home, that they seem'd to have, in a Manner, entirely forgot the *Palatinate*, and all other Affairs Abroad.

Proceedings against Sir Giles Mompesson, a Monopolist and Patentee.

In order to begin the Reformation with themselves, the first they laid Hands on, was a Member of their own House, Sir *Giles Mompesson*, a Projector, and a great Dealer and Patentee. This Man they convened before them, and ordered him into Custody of the Serjeant at Arms; but he, being conscious of his Guilt, found Means to make his Escape and fled beyond Sea. The Particulars of this Affair best appear in the *Journals* of the Lords, to whom the Commons carried their Complaint against the said Sir *Giles*, and others concerned with him in the Execution of his Projects: All the judicial Proceedings both against this Man, and others of much higher Rank, in the Sequel, being transacted before this supreme Court of Judicature. We shall therefore now return back to the Lords where we left off, in the diurnal Account from that Authority.

March 3d. A Message from the Lower House was delivered to the Lords by Sir *Edward Coke*, attended by several Knights, Citizens, and Burgesses, to this Effect:

'That the House of Commons had entered into a due Consideration of divers heavy Grievances, and do desire a Conference about them; leaving the Time, Number, and Place to their Lordships Appointment. He further added, as Part of what they had enjoined him to say, That whilst their House was thus, amongst themselves, in Treaty and Advice, the principal Offender, Sir *Giles Mompesson*, was escaped. Therefore, the Commons did desire strict Scrutiny should be made for finding him out within the Realm.'

The Messengers being withdrawn, the Lords agreed to the Conference; the Number, the whole House,

House, the Time and Place, *Monday* next, *March* the 5th, at two in the Afternoon, in the *Painted-Chamber*. Sir *Edward Coke*, and the rest were again called, and the Lord Chancellor acquainted them, That the House had agreed to meet with the Commons, as above; and that their Lordships would give their best Aid and Assistance for finding out the Offender. On which Answer, Sir *Edward* desired to explain his Message a little further; and declared that the Commons were not fully provided for a Conference so soon; but that his Meaning was, That if their Lordships would be pleased to yield to one, then the other House would prepare the Business so, as it might give least Interruption to their Lordships greater Affairs: And, when they were ready, would return and acquaint their Lordships with it. The Chancellor answered, That the Lords would suspend the Time, till the Commons were ready for the Conference. An. 14 James I. 1616.

Several Proposals were then made for the apprehending of this great Offender, Sir *Giles Mompesson*; and a Message was sent to the Lower House to acquaint them, 'That they had appointed a Committee of forty Lords, of which the Prince was the first, to confer with a Number of the Commons, immediately, about that Point. The Lord *Zouch*, Warden of the *Cinque-Ports*, was ordered to send his Warrant thither, to search for, and apprehend the said Sir *Giles*, if he should attempt to escape that Way. The two Lords Presidents, of *Wales*, and of the Council at *York*, were ordered to cause strict Search to be made in the several Ports under their Charge. The Lord Treasurer had the same Charge given him, to take Care that all Officers of the Customs, and other Officers, within the Ports, Havens, and Creeks of this Land, be warned of this Business. Lastly, Orders were given to the Lord-Admiral, that he should instruct all Vice-Admirals, and other Maritime Officers, under

An. 18 James I. 1620. under his Jurisdiction, to make the like Search for this extraordinary Runagate (*s*).

All these Orders and Directions of the Lords, being told to the Committee of the Commons, they approved of them, with Thanks; and only desired that a more private Search might be made for the Offender. Accordingly, a Warrant was ordered to be drawn, as from the House of Lords, and signed by the Chancellor, as their Speaker; and the Lord Chamberlain, the Earls of *Arundele* and *Southampton*, the Lords *Hunsden* and *Houghton*, were appointed for that Purpose. Which Warrant, being drawn, read, and approved on, was ordered to be directed to the Deputy-Clerk of the Crown, and Clerk of Parliament, and to all Mayors, Bailiffs, *&c.*

In the midst of these Orders and Directions, the Lord-Admiral, the Marquis of *Buckingham*, declared openly to the House, how much he had been deceived and abused by this Offender, Sir *Giles Mompesson*; who, but very lately, had wrote to him, protesting his Innocency; affirming, that what was objected against him was but Matter of Cavil; and that he desired, only, a legal Trial by due Course of Law.

March 5th. The Lord Chancellor acquainted the Lords, that the Deputy-Clerk of the Crown and the Clerk of Parliament, with such others as they had thought fit to allow of, had, according to their Lordships Direction, made Search into the several Houses of Sir *Giles Mompesson*, Sir *Francis Mitchell*, and in the House called and used as for the Exercise and Execution of Letters Patents, concerning Gold and Silver Thread, *&c.* in *Woodstreet*; and that in each Search the said Clerks had brought away divers Books and Writings, concerning such Matters wherewith the said Sir *Giles Mompesson* standeth charged; which they had sealed up, according to the Direction of the House. The Lords

(*s*) There is the Form of a Proclamation from the King, dated *March* 3d, in *Rymer's public Acts*, for apprehending Sir *Giles Mompesson*. Tom. XVII. p. 284.

Lords ordered that the ſaid Things, ſo ſealed up, ſhould be ſafely kept by the Clerk of Parliament; until, upon Motion from the Lower Houſe, their Lordſhips ſhould be pleaſed to give further Direction, about delivering them to ſuch Members of that Houſe, as ſhould be aſſigned to receive the ſaid Books and Papers, for the better Manifeſtation of the Truth in ſuch Matters, as the ſaid Sir *Giles* ſtood charged with. An. 18 James I. 1620.

The ſame Day, the Lord-Admiral, *Buckingham*, made a Motion to the Houſe, 'That ſince the Education of Youth, eſpecially of Quality and Worth, is a Matter of great Conſequence; therefore to provide that ſuch Perſons, in their tender Years, do not ſpend their Time fruitleſly, about the Town or elſewhere, his Lordſhip wiſhed that ſome good and fit Courſe might be taken for the Erection and Maintenance of an Academy, for the breeding and bringing up of the Nobility and Gentry of this Kingdom, in their younger and tender Age; and for a free and voluntary Contribution, from Perſons of Honour and Quality, for that Purpoſe.' Motion for an Academy for Perſons of Quality.

This Motion was generally liked and commended, and many grave and judicious Speeches were uſed, by ſeveral Lords, touching the moſt conſiderable and material Points, and the perfect Accompliſhments of this moſt honourable Project. Some concerning the Place where ſuch an Academy ſhould be placed and erected; others, what Qualifications, Arts, Sciences, and Exerciſes ſhould be there taught and practiſed; then, how to be maintained; and to what Kind of young Gentlemen Freedom ſhall be given to reſort or live there as they ſhall pleaſe, with other Circumſtances. And, in order that the Matters and Points aforeſaid might, with more Conveniency, be opened and diſcuſſed, the Houſe was adjourned during Pleaſure.

The ſame Day, Sir *Thomas Edmonds*, with others, from the Commons, delivered this Meſſage; 'That the Commons had ſent a former Meſſage to their Lordſhips for a Conference touching cer-

An. 18 James I. 1620.

tain Grievances, principally, concerning Sir *Giles Mompeſſon*, and this Houſe yielding thereto, had appointed the preſent Day for that Purpoſe, if the Commons were ready for it. Therefore, he was ordered to ſay, that they were not ſufficiently provided for the Buſineſs, nor cannot be till *Thurſday* in the Afternoon, if their Lordſhips ſhould find that Day convenient. This was agreed to by the Lords, and the whole Houſe to be a Committee to meet on that Occaſion.'

Then the Houſe appointed a Committee to conſider of the Academy aforementioned; conſiſting of the Prince, the Archbiſhop of *Canterbury*, the Lord Chancellor, the Archbiſhop of *York*, the Lord Treaſurer, the Lord Admiral, the Earl of *Oxford*, &c. The Lord Chief Juſtice, and the Attorney-General to attend them, to meet in the Council-Chamber at *Whitehall*.

March 6. After reading a Bill, brought in by the Biſhops, for puniſhing divers Abuſes committed on the Sabbath-Day, called *Sunday*; the Lords received a Meſſage from the Commons, 'That they had taken Notice of ſome Warrants, iſſued by their Lordſhips, for Search in certain Places for Papers concerning Sir *Giles Mompeſſon*. That the Parties, therein employed, had found and brought in certain Papers ſealed up, alſo, a Trunk and a Bag in which other Papers and Books are ſealed up, which they deſire may be delivered to them. That one Queſtion had been made by the Perſons ſo employed, concerning their Power, and they deſire further Warrant, from the Lords, to authorize them to open Locks, Doors, or Cheſts, that their Search may be more enlarged.' *Anſwer*. 'That the Lords do grant the Requeſt of the Commons in all its Points; and will give Direction for the proper additional Words to be added to the Warrant.'

Act relating to erecting Hoſpitals, &c.

March 8. Amongſt other Bills of leſs Conſequence, one was read for reviving and making perpetual an Act paſſed in the 39th of *Eliz.* entitled, *An Act for erecting of Hoſpitals, and Abiding and Working Houſes for the Poor*. And the Biſhop of

Bangor informing the Houſe, 'That, to his Know- An. 18 James I. 1620.
ledge, eighteen Hoſpitals were at this Time impeached touching their Incorporations; Orders were given to the Attorney-General to draw a Bill for the Confirmation of Hoſpitals already founded.'

The Lords Committees for the Orders, Cuſtoms, and Privileges of the Houſe, *&c.* having met according to their Directions, deſired that certain of them may be appointed to attend his Majeſty, with an humble Requeſt, That he will be pleaſed to aſſign them a Day, when they may all come and give him Satisfaction in ſome Points relating to his Prerogative. Eight of them were immediately appointed for that Purpoſe. Adjourned to the 12th.

March 12. The Hoſpital-Act was read a third Time and paſſed; alſo, another for Confirmation of an Hoſpital, called King *James's* Hoſpital, founded in the *Charter-Houſe*, in the County of *Middleſex*, at the humble Petition and ſole Coſts and Charges of *Thomas Sutton*, Eſq.

Then the Lord Chancellor, moving from his Place to his Seat as a Peer, reported what paſſed at the laſt Conference of both Houſes; the Inducement of which was, to clear the King's Honour touching Grants to Sir *Giles Mompeſſon*, and the Means of procuring the ſame.

Further Proceedings againſt Sir Giles Mompeſſon.

The Effect of this Conference was, 'That the King, on the Petition of the ſaid Sir *Giles*, to have a Patent to reform Abuſes in divers Innkeepers, and a Warrant to compound for the Penalty of obſolete Laws touching the Prices of Horſe-Meat, had referred the ſame to ſeveral Judges, for the Point of Law; and to divers Lords, for the Point of Commodity. That his Majeſty had ſhewn the like Care, in granting the Patent for Monopoly of the ſole making of Gold and Silver Thread. That Sir *Henry Yelverton*, Attorney-General to the King, had adviſed the ſame to be returned into his Majeſty's own Hands, and then by Indentures to authorize divers Perſons to manage it; but, that this, alſo, was referred by his Majeſty to the Conſideration of ſeveral of his Council. That

An. 18 James I. 1620. the Benefit arising to the King was made over to others, *pro Tempore*; that the Authority, granted by the King, was much abused in the Execution thereof, to the intolerable Grievance of the Subject; and lastly, that much Imposture was used in the Trade.'

The Lord Chamberlain then stood up, and declared to the House, 'That, at the said Conference with the House of Commons, two *great Lords*, meaning the Lord Chancellor and the Lord Treasurer, spoke in their own Defence; not being allowed so to do, when Committees are named, and the said Conference directed and limited by this House; which was against the ancient Orders thereof.—— Therefore, his Lordship moved that an Order may now be entered to prevent the like hereafter.' The Motion was agreed to, with this Addition,

Resolutions as to Breach of Order in the House of Lords;

'That the said Lords should give the House Satisfaction, by an Acknowledgment of their Error herein.'

Whereupon the Lord Chancellor, removing again to his Seat as a Peer, did acknowledge, that, contrary to the Orders of the House, he had spoken, at the last Conference, more than he had Direction from the House to do, and owned that he had erred therein. Which Acknowledgment the Lords, in general, accepted of. The Treasurer, also, did the same; and then it was particularly ordered, that these Acknowledgments should be entered in the *Journals*. Moved by the Lord *Spencer*, and agreed to, 'That no Lords of this House are to be called *Great Lords*, because they are all *Peers*.'

The Lords taking into Consideration the Grievances complained of by the House of Commons, it was agreed, That a select Committee should be chosen to confer with that House, as well to demand of them such Letters-Patent, Commissions, Warrants, Examinations, and other Writings, which concerned the Grievances; as also, to receive, by Word of Mouth, such further Informations as might conduce to the proving of such

Grievances as they had complained of. A Committee was appointed, consisting of the Prince, three great Officers, five Earls, six Bishops, and six Barons. An. 18 James I. 1620.

A Message was then sent to the Commons to desire a Conference, and after a long Stay, Answer returned, That they accepted of their Lordships Motion, and would appoint Fifty of their House to meet them at Nine in the Morning. That their Committee should bring with them all the Letters-Patent, *&c.* which the Lords required to see concerning the Grievances; and should, likewise, inform their Lordships of such other verbal Proofs, which they had received about them. The long Stay of the Messengers was excused, by their being, when the other came, debating the Bill of *Subsidy*; which was now ordered by them to be engrossed.

Moved by the Lord-Admiral, That the ancient Order of the House was, That, before any new Business be begun, the Matter in Hand be first determined; and this to be entered.

The same Day, *March* 12, the Earl of *Arundel* reported to the House, 'That on the 11th instant, the Lords Committees for Privileges, *&c.* attended his Majesty, according to Order, and that his Majesty was pleased to rest satisfied, as well in their enquiring of Privileges, belonging to the Peers, as also, that they did no Ways trench into the Royal Prerogative, as the Judges had suggested unto the said Committee. His Lordship further reported, That his Majesty was pleased, of himself, to take Notice, That he understood the Peers conceived it a Privilege, belonging unto them, to protest only *upon their Honours*, and not to be put to their Oaths, in Suits, as ordinary Subjects were.' To which the Lords answered, 'That it was very true the House had taken Consideration of it; and found much Cause to think, that in the Time of divers of his Royal Progenitors they had enjoyed that Privilege; which they thought the Practice

And Matters of Privilege.

An. 18 James I. 1620. of later Times had invaded, to their Disadvantage; by encroaching upon it by little and little, when they were not careful of it. But withal, they told his Majesty that this was no Part of their Errand to him; and therefore besought him to conceive, that what they spoke was only as private Men, who were no Way authorized, at this Time, in these Points, from the House. His Majesty said, 'That he understood it so, but desired them to answer him one Question ingenuously, which was, *Whether they thought Protestation upon Honour, or Oath, to bind them more?* To which the Lords all answered, *unâ Voce*, That they conceived Protestation upon Honour, to bind more than Oath did; as being the same before God and before the World; and, in regard to the Trust given to their Degree, a far greater Charge. Adding, that they conceived the constant and undoubted Usage of trying Peers, for their Honours, Blood, Lives, and Estates, upon their Honour only, did plainly prove it; and that they thought no past Age had produced any Example of Inconvenience in the Practice of it.' His Majesty seemed fully satisfied, and bid them tell the House from him, 'That he willingly agreed to this Privilege, so as they would take Care the Common Justice of this Kingdom might not suffer in it. And, that he was so far from diminishing their Privileges, that he would rather add unto them any that were fit.'

March 13. The Names of the Committee for the Conference, to be had this Morning, with the House of Commons, were read. Moved by the Earl of *Arundele*, 'That the whole House (as a Committee) might consider of the Business now to be handled, in the Conference, with the House of Commons; which was generally agreed to.'

Whereupon the Lord Chancellor, moving from his Place to his Seat as a Peer, after a long Debate it was concluded and agreed to, That the Lord Chamberlain should begin the said Conference; and that it shall be lawful for any of the Lords of the said

ſaid Committee freely to queſtion with the Commons; to this Intent only, to be informed of their Proofs of the Grievances of which they complain; and, to that End, to enter into Diſputes and Arguments with them, and to appoint another Meeting, if the Cauſe ſhall ſo require. An. 18 James I. 1620.

It was further agreed, 'That the Attorney-General ſhould be Aſſiſtant to the ſaid Lords of the Committee; and ſhould take Notes of the Proofs produced in the Conference; and, that any Lord might, alſo, take Notes thereof, and compare the ſame with others. The Lord Chamberlain to make Report thereof to the Houſe.

At the Return of the Committee from the Conference, the Lord Chamberlain reported, That the Committee of the Lower Houſe deſired to be excuſed from entering into verbal Information and Diſputes, for that they had no Authority ſo to do. But, that they, humbly, deſired Leave to return to their Houſe for ſuch Authority, and to meet again upon the ſame Buſineſs.'

In the *Journals* of the Commons, as this Day, is an Entry, 'That when Sir *Edward Coke* made the Report of this laſt Conference, in that Houſe; he told them, That their Proceedings were highly applauded, both by the Prince and all the Lords. And the Lord of *Bucks*, having Leave to ſpeak, delivered himſelf to this Effect:

The Marquis of Buckingham's Speech in relation to Grievances.

He firſt ſaid, 'That the King was both Paſſive and Active in theſe Affairs: Paſſive by his Majeſty's gracious Acceptance of theſe Proceedings in Parliament; which was plain that the King loved Plainneſs: Active, in that he ſtrikes whilſt the Iron is hot; and ſince the King was willing to grant all we can aſk, let us leave Formality and aſk real Things.'

'That, for his own Part, ſince he had been righted in their Houſe, he would do all his beſt Endeavours to further the Good both of King and Kingdom; which could not be ſevered. That, now he knew the Wiſdom of Parliaments, he would ſubmit himſelf to be a Scholar to them.

An. 18 James I. 1620.

That two of his Brothers being drawn into Question on these Affairs, he would not defend them; but leave them to the Censure of Parliament. That he who begot these two, had, also begot one who would seek for their Puniwment.'

The same Day a Message from the Lower House was brought by Sir *Edward Coke*, and others, *viz.*

'That whereas, at a Meeting for a Conference this Morning, the Lords Committees of this honourable House desired to receive of them, not only all Letters-Patent and other Writings, but also verbal Informations of all other Matters whereof they had made Use in the Proof of their Grievances, now complained of: And forasmuch, as then they had no Authority to enter into Dispute, or to give any verbal Information thereof, they had humbly desired Leave to return to their House to receive such Authority for the same: They do now humbly implore another Meeting, on *Thursday* next, by Nine in the Morning, at such Place as their Lordships shall appoint; and they will come prepared to give them full Satisfaction.'——*Answer*, 'The Lords have considered of this their Request, and will meet them, at the Time desired, in the *Painted-Chamber*.——Nothing else material done. Adjourned to *Thursday*.

March 15. A Message from the Lower House was brought by Sir *Edward Coke*, and others, That they had returned the Prince's Bill, intituled, *An Act to enable the Most Excellent Prince* Charles *to make Leases of Land, Parcel of his Highness's Dutchy of* Cornwall; and declared, That the same passed their House with much Cheerfulness and Alacrity, *unâ Voce*.

The Prince of Wales's Bill passed *Nem. Con.*

When the Lords of the Committee were ready to go to the Conference about Grievances, the Lord Treasurer declared, 'That as every Man ought to have a high Esteem of his Honour, so he ought not to be so rash as to infringe the Orders of this Honourable House: That many might think him peremptory, in Defence of his Honour, the other Day;

Day; but he protested it was not out of any Pride; for he freely confessed he spake, at the last Conference, more than he ought by the ancient Orders of this House; but he neither loved Error, nor will contemn Order; and therefore, moved, That whatsoever was spoken of him, or by him, might not be prejudicial in their Proceedings in this Business.' An. 18 James I. 1620.

After the Conference the Lord Chamberlain reported to the whole House what had been done at it; which was to this Effect:

'That the Commons had delivered in a Declaration of their Grievances, and the *Capita* of their Proofs, in Writing, *sub Protestatione* not to be a Precedent for them to deliver in their Proofs, in Writing, hereafter.' Report from the Committee on Grievances.

'Their Grievances were grounded upon Grants of the Forfeitures and Dispensations of penal Statutes, for Inns, Grants of Monopolies for Gold and Silver-Thread, and Grants of Concealments.'

'Touching penal Statutes, they highly commended his Majesty's Care, both now and in former Times, in referring the same to the Judges and his Privy-Council, and his Resolution not to grant Dispensations therein.'

'For the Grants of Monopolies, they shewed, That many Grants of the like Nature have been questioned in former Times, and resolved to be unlawful.' For Instance,

'In the Monopoly of sweet Wines, granted by King *Philip*, to the Town of *Southampton*.'

'The Monopoly of Starch.'

'Monopoly for making Salt adjudged void; for that the Invention, alledged in the Grant, was not new.'

'Monopoly of Train Oil.'

'Monopoly for Cards.'

'As to the Grants of Concealments, they shewed how dishonourable it was for any Lord to grant the like, much more for a King: That a Cathedral Church and twelve Hospitals were swallowed up thereby: That it was contrary to the King's Royal

An. 18 James I. 1620. Royal Direction in his Book of Bounty; wherein he refuseth to be moved with Grants of that Nature.'

They set forth their Care in these three Points, *viz.*

'1. Not to meddle with the King's Prerogative.'

'2. To preserve the King's Honour.'

'3. To restore the Subjects their Wealth.'

'That they had delivered the Patents, Commissions, and other Writings, demanded of them. Two of the Declarations of the said Grievances, concerning Inns and Concealments, were then read.' After this,

The Lord *Houghton* declared to the House many Abuses done to the Servants of divers Bishops, by Pages, and others. The Examination whereof was referred to Mr. Baron *Denham*, Sir *William Bird*, and Sir *James Woolridge*; who were to examine the said Abuses with Expedition; and the Lords condescended, that if any of their Pages, or Servants, had been guilty of such Abuses, they might also be examined.

The Lord *Wentworth* moved, and it was ordered, That no Bill, but the Prince's Bill, should be read, until the Business of Sir *Giles Mompesson* be past and determined. The House to sit on Convocation Days, for the more speedy Dispatch of that Business. Adjourned till Two in the Afternoon.

Proceedings thereupon. *March* 15, *post Meridiem*. According to the ancient Orders of the House, begun with Prayers in the Afternoon: Which done, the third Declaration of Grievances, concerning Gold and Silver-Thread, was read. The Lord Chancellor opened the most considerable Points in it, which he conceived to be five: *First*, The Patents, which are three, and the Points in Law concerning the same. *Next*, What Parties are to be charged for the same. The Proofs, wherein are to be considered what hath been delivered by the Commons; and what may be further found out, and how. The Punishment to be inflicted on the Offender. *Lastly*, The Precedents and

and Manner of the Puniſhment, according to the Quality of the Offender. An. 18 James I. 1620.

It was then debated by the Lords, on which of theſe Points to begin; and that it might be carried on more freely, it was agreed that the whole Houſe ſhould be a Committee *ad Libitum:* On which the Chancellor left his Place, and ſat as a Peer.

It was moved by the Lord *Spencer*, and ſeconded by Lord *Wentworth*, That Sir *Allen Apſley*, with *Tweedy*, *Wilmot*, and *Ferret*, who abuſed the Execution of thoſe Patents, ſhould be ſent for and committed to Cuſtody.

The Earl of *Southampton* moved, 'To begin firſt with the Execution of the Patents by the Patentees and their Agents; and, as there were three Patents complained of, to appoint three Committees, of a new Number, each Committee to examine the Execution of one Patent. Alſo, becauſe the Lower Houſe could not, nor did not, take the Examinations, to them delivered, on Oath; therefore that the Witneſſes might be ſent for, and ſworn to their Examinations.' Which Motion was ſeconded by the Lord Chancellor with this Addition, 'That the Oath is to be given publicly in the Houſe; for that it could not be adminiſtred in a Committee.' All which Motions, on the Queſtion, were agreed to.

Next follow the Names of the Lords appointed for the three Committees, which may be omitted; as well as the Order of the Times for ſitting, with other Directions; and wait for the Reports made from each in the Days following.

March 16. The Lord Chamberlain, being the firſt of the Committee on the Grievances by the Patent of Inns, declared, 'That whereas it was Yeſterday ordered that Parties, whoſe Examinations were to be taken on Oath, ſhould be ſworn in open Court, it appeared that the Gentlemen undernamed, whoſe Teſtimony is very neceſſary, are Members of the Lower Houſe; and therefore he deſired, that a Meſſage ſhould be firſt ſent, with great

An. 18 James I. 1620. great Reſpect, to the other Houſe, before they be ſworn. Their Names were Sir *Francis Fane*, Knt. Sir *Richard Titchburn*, Knt. Sir *Francis Goodwin*, Knt. (*t*) *John Drake*, Eſq; and *Richard Weſton*, Eſq.

A Meſſage was accordingly ſent to the Commons about this Buſineſs; who returned for Anſwer, 'That as it was a Matter of great and weighty Conſequence, they would take it into Conſideration, and ſend an Anſwer by Meſſengers of their own.' This occaſioned a long Debate in that Houſe, which laſted all that Day.

March 17. A Meſſage from the Lower Houſe, by Sir *Edward Coke*, and others, intimating, 'That the Commons had been acquainted ſome Perſons of their Houſe were deſired to teſtify, upon Oath, their Knowledge concerning the Grievances complained againſt that wretched Man, Sir *Giles Mompeſſon*, and others: That the Parties ſo required had offered themſelves to be ſworn; and therefore that Houſe will not be ſcrupulous herein, as the Lords may perceive their Concurrence and Readineſs to expedite that Buſineſs:' Which Meſſage was gratefully acknowledged by the Lords. And the aforeſaid five Members deſiring a Day's Reſpite to put down their ſeveral Depoſitions in Writing, to which they were to be ſworn, it was granted.

March 19. A *Memorandum* is enter'd, That, by Reaſon of want of Health and Indiſpoſition of the Lord Chancellor, a Commiſſion was awarded to Sir *James Ley*, Knt. and Bart. Lord Chief Juſtice of the King's Bench, ſign'd by the King, and under the Broad Seal, to execute that Office in his Stead. The Commiſſion is at length in the *Journal*; but is of no great Significancy here.——— We ſhall ſoon find what was the Chancellor's Illneſs.

The ſame Day, a Meſſage was ſent from the Commons by Sir *Fulk Grevile*, and others, 'That the Knights, Citizens, and Burgeſſes of that Houſe have ſent up to the Lords a Bill of Subſidies; which,

(*t*) See before, p. 56.

which, as it passed that House with great and general Alacrity and Expedition, they doubted not but the Lords will, with the like Chearfulness, expedite the same.' An. 18 James I. 1620.

In the Midst of their Inquiries into public Grievances, the Commons had thought fit to consider the Necessities of the State, and grant the King a Supply. *March* 12, the Subsidy Bill was debated in that House, and at last, put to two Questions, Whether the Bill should be recommitted? which passed in the Negative; and, Whether to be engrossed, or not? which last was carried for engrossing, without one negative Voice. On the 18th, it passed the Lower House, and was ordered to be sent up to the Lords, as abovementioned. We cannot omit, that a Message from the King was delivered to this House, on their Unanimity, *&c.* in passing the Subsidy Bill, 'That he returned them Thanks for their Chearfulness in it; and looked upon it as giving him their Hearts and all.' The Subsidy Bill passed Unanimously.

When this Bill for granting two entire Subsidies, by the Temporality, was read a first Time by the Lords, the Lord Chief Justice repeated, the last Proviso of the Act, which declares, 'That since it is not usual to grant a Subsidy at the Beginning of a Parliament, they desire it may not be drawn into a Precedent, nor be prejudicial hereafter, as the Royal Assent may be given, by Commission, or otherwise, for the speedy levying of the same, the Parliament still sitting.' Ordered that this Bill be read again in the Afternoon.

Another Message came from the other House, brought by Sir *Robert Philips*, and others, 'That, in their Search into the Abuses of Courts, they found Abuses in certain eminent Persons; for the which they desire a Conference, that such Course may be taken for the Redress thereof, as should stand with the Honour and Dignity of a Parliament. The Time, Place, and Number of Committees, they humbly leave to their Lordships.' Answer was immediately returned, 'That the Lords were well pleased to accept of the Conference required; the Com-

An. 18 James I. 1620.

Committee to be of their whole Houſe, and at Two this Afternoon, in the *Painted Chamber*.

Poſt Meridiem. The Lord Treaſurer return'd, with the Committee of the whole Houſe, from the Conference; and, being to make the Report, told the Lords, that he deſired Reſpite till the next Morning, that he might, in the mean Time, peruſe his Notes taken thereof.

The *Subſidy* Bill was read a ſecond Time, as alſo another for Confirmation of the *Subſidies* granted by the Clergy.

This Day concludes with a *Memorandum*, That whereas, in the *Subſidy* Bill granted by the Layty, the Univerſity of *Oxford* was named before the Univerſity of *Cambridge*: It was much debated by the Lords what Courſe was to be taken for an Equality between them, that the one might not have the Precedency of the other. But nothing was concluded on, about this Matter, at that Time.

Complaint againſt Lord Chancellor Bacon for Corruption;

But before we proceed to this Report, it is neceſſary to look back a little into the *Journals* of the *Commons*, for the Beginning of this Buſineſs againſt ſo renown'd a Man, as Sir *Francis Bacon*, Lord *Verulam*; whoſe Name has often occurred in the Progreſs of this Work. *March* the 15th, Sir *Robert Philips* made a Report from the Committee, appointed to examine into the Proceedings of the Courts of Juſtice, which he divided into three Parts: The Perſon againſt whom; the Matter; and the Opinion of the Committee upon it, with the Deſire of further Direction from the Houſe.

'The Perſon, he ſaid, was the Lord Chancellor; a Man excellently well endowed with all Parts of Nature and Art; of whom he would not ſpeak much, becauſe he could not ſpeak enough.—He then proceeded to accuſe the Chancellor of Corruption, and open'd the Nature of the Evidence to prove it; but, as this will appear much clearer in the Trial of the Lord Chancellor before the Lords, we ſhall poſtpone it till then.

The Commons, purſuing this Enquiry in their own Houſe, on the 19th received a Meſſage from the

the King by one of the Secretaries of State, 'That the Parliament had now ſat long, and *Eaſter* being at Hand, he left the Time of Ceſſation to that Houſe: That his Majeſty named *Tueſday*, the 10th of *April*, if they thought proper; but this of their own Choice.' An. 18 James I. 1620.

His Majeſty taking Notice of the Accuſations againſt the Lord Chancellor, ſaid, 'That he was very ſorry a Perſon ſo much advanced by him, and ſitting in ſo high a Place, ſhould be ſuſpected. That he cannot anſwer for all others under him, tho' his Care in the Choice of Judges had been great; but if this Accuſation ſhould be prov'd, his Majeſty would puniſh him to the full.'

'That the King would, if it be thought fitting here, grant a Commiſſion under the Great Seal of *England*, to examine all upon Oath that can ſpeak in this Buſineſs. The Commiſſioners to be ſix of the Upper Houſe, to be choſen by them, and twelve to be elected by this Houſe. That his Majeſty was ſorry the Chancellor ſhould be ſo queſtion'd, and hoped he would be clear'd; but, if not, aſſured the Houſe that he would puniſh him.'

This Meſſage was moſt gratefully taken by the Commons; but, the Matter being to come before the Lords, the Offer of a Commiſſion, for examining an Oath, was needleſs; ſo it was ſent up to that Houſe as aforeſaid.

March 20. The Lord Treaſurer made his Report of the Proceedings at the Conference Yeſterday with the Commons; in which he informed their Lordſhips of great Abuſes in the Courts of Juſtice. This he divided into three Heads, as Sir *Robert Philips* had done before him.

'1. Of the Perſons accuſed.'

'2. Of the Matters objected againſt them.'

'3. The Proofs.'

'The Perſons were the Lord Chancellor of *England*, and Dr. *Field*, Lord Biſhop of *Landaff*. The incomparable good Parts of the Lord Chancellor were highly commended; the Place he holds magnified, from whence Bounty, Juſtice, and Mercy And againſt the Biſhop of Landaff on the ſame Account.

were

An. 18 James I. 1620. were to be distributed to the Subjects, with which he was solely intrusted; whither all good Causes were drawn, and from whence no Appeal lay for any Injustice or Wrong done, save to the Parliament. That the Lord Chancellor is accused of Bribery and Corruption, committed by him in this his eminent Place; of which two Cases were alledged, the one concerning *Christopher Aubrey*, the other, *Edward Egerton*. In the Cause between this *Aubrey* and Sir *William Brounker*, *Aubrey* fearing some hard Measure, was advised to give the Chancellor 100*l.* which he delivered to his Counsel, Sir *George Hastings*, and he to the Lord Chancellor.'

'The Proceedings in this Business going on yet, but slowly, *Aubrey* wrote several Letters, and delivered them to the Lord Chancellor; but could never get any Answer from him, till, at last, delivering another Letter to him, the Chancellor told him, That, if he importun'd him again, he would lay him by the Heels. The Proofs of this Accusation are five.'

'1. Sir *George Hastings* related it long since to Sir *George Montague*.'

'2. The Lord Chancellor fearing this would be complained of, desired Silence of Sir *George Hastings*.'

'3. Sir *George Hastings's* Testimony thereof; which was not voluntary, but urged.

'4. The Lord Chancellor desired Sir *George Hastings* to bring the Party, *Aubrey*, unto him, and promised Redress for the Wrongs done to him.'

'5. That the Lord Chancellor said unto Sir *George Hastings*, if he would affirm the giving this 100*l.* his Lordship would, and must deny it upon his Honour.'

The Case of *Edward Egerton*, was this: There being a Suit depending in Chancery, between the said *Edward* and Sir *Rowland Egerton*, the former presented his Lordship, a little after he was made Lord Keeper, with a Bason and Ewer of 50*l.* and above; and afterwards he delivered to Sir *George*

George Haſtings and Sir *Richard Young*, 400 *l.* in Gold, to be preſented to the Chancellor. Sir *Richard Young* preſented it; and his Lordſhip took and poiſed it, and ſaid it was too much, and returned Anſwer, 'That Mr. *Egerton* had not only enriched him, but had laid a Tye upon his Lordſhip to do him Favour in all his juſt Cauſes.' An. 18 James I. 1620.

'The Proofs are the Teſtimony of Sir *George Haſtings*, and one *Merefill*, a Scrivener, thus far, That he took up 700 *l.* for Mr. *Egerton*; who then told him that a great Part of it was to be given to the Lord Chancellor; and that Mr. *Egerton* afterwards told him that the 400 *l.* in Gold was, accordingly, given to the Lord Chancellor.'

'At this Conference was further declared, That a Biſhop's Character was touched in this Affair; whoſe Function the Commons much honoured, tho' his Perſon was ſomewhat tainted therein. The Affair was thus:

'The Buſineſs depending being given againſt Mr. *Egerton*, he procured a new Reference thereof from the King to the Lord Chancellor: His Lordſhip firſt demanded the Parties to be bound, in 6000 Marks, to ſtand to his Award. Having entered both into Bond for that Purpoſe, the Chancellor awarded the Matter againſt *Edward Egerton*, for Sir *Rowland Egerton*. The former refuſed to ſtand to the ſaid Award, and a new Bill was exhibited in Chancery. Hereupon his Lordſhip ordered, that the Bond of 6000 Marks ſhould be aſſigned unto Sir *Rowland Egerton*; and he put the ſame in Suit in his Lordſhip's Name. The Biſhop of *Landaff*, as a Friend unto *Edward Egerton*, adviſeth with *Randolph Davenport*, and one *Butler*, who is ſince dead, to endeavour to procure a Stay of the Decree upon that Award, and a new Hearing. It was agreed, that 6000 *l.* ſhould be given for this by Mr. *Egerton*, to be ſhared amongſt them and certain honourable Perſons; and a Recognizance of 10,000 *l.* was required by the Biſhop from Mr. *Egerton*, for Performance thereof. The Biſhop's Share of this 6000 *l.* was to have been ſo great as

An. 18 James I. 1620.

no Court of Juſtice would allow. The Commons produced Letters of the Biſhop's, naming the Sum, and ſetting down a Courſe how this 6000*l.* was to be raiſed, *viz.* The Land in Queſtion to be decreed to Mr. *Egerton*, and out of that the Money to be levied; and, if this Matter was not effected, then the Biſhop promiſed, *in Verbo Sacerdotis*, to deliver up the Recognizance to be cancell'd. The Recognizance was ſeal'd, and *Randolph Davenport* rides to Court, and moved the Lord-Admiral for his Letter to the Chancellor herein; but his Lordſhip denied to meddle in a Cauſe depending in Suit. Then the ſaid *Davenport* eſſayed to get the King's Letter; but failed in that alſo: So that the Good they intended for Mr. *Egerton*, was not effected; and yet the Biſhop, tho' required, refuſed to deliver up the ſaid Recognizance, until Mr. *Egerton* threatened to complain thereof to the King.'

The Treaſurer alſo declared, 'That the Commons do purpoſe, if any more of this Kind ſhould happen to be complained of before them, that they will preſent the ſame to the Lords: Wherein they ſhall follow ancient Precedents, which ſhew, That great Perſonages have been accuſed for the like Crimes in Parliament. Laſtly, They humbly deſired, That foraſmuch as this concerns a Perſon of ſo great Eminency, it may not depend long before their Lordſhips. That the Examination of the Proofs may be expedited; and, if he be found guilty, then to be puniſhed; if not, the Accuſer to ſuffer the ſame.'

This Report being ended, the Lord-Admiral ſtood up, and acquainted the Lords, 'That he had been twice with the Lord Chancellor to viſit him, being ſent by the King. The firſt Time, he found his Lordſhip very ſick and heavy; the ſecond Time, he found him better, and much comforted, becauſe he had heard that the Complaint of the Commons againſt him for Grievances was come into this Houſe, where he aſſured himſelf to find honourable Juſtice. In Confidence whereof, his Lordſhip

Lordſhip had written a Letter to the Houſe; which Letter the Lord-Admiral preſented to be read, as follows: An. 18 James I. 1620.

To the Right Honourable, his very good Lords, the Lords Spiritual and Temporal, in the Upper Houſe of Parliamant aſſembled.

My very good Lords,

The Lord Chancellor's Letter to the Lords.

I Humbly pray your Lordſhips all to make a favourable and good Conſtruction of my Abſence; it is no Feigning nor Fainting, but Sickneſs both of my Heart and of my Back, though joined with that Comfort of Mind, that perſuadeth me that I am not far from Heaven, whereof I feel the firſt Fruits: And, becauſe, whether I live or die, I ſhould be glad to preſerve my Honour and Fame, as far as I am worthy, hearing that ſome Complaints of baſe Bribery are come before your Lordſhips, my Requeſts unto your Lordſhips are,

Firſt, That you will maintain me in your good Opinion, without Prejudice, until my Cauſe be heard.

Secondly, That in regard I have ſequeſtered my Mind at this Time, in great Part off from worldly Matters, thinking of my Account and Anſwer in a higher Court; your Lordſhips would give me ſome convenient Time, according to the Courſe of other Courts, to adviſe with my Counſel, and to make my Anſwer; wherein, nevertheleſs, my Counſel's Part will be the leaſt. For I ſhall not, by the Grace of God, trick up my Innocency with Cavillations, but plainly and ingenuouſly, as your Lordſhips know my Manner is, declare what I know or remember.

Thirdly, That, according to the Courſe of Juſtice, I may be allowed to except to the Witneſſes brought againſt me, and to move Queſtions to your Lordſhips of their croſs Examinations, and likewiſe to produce my own Witneſſes for Diſcovery of the Truth.

Laſtly, If there come any more Petitions of that Nature, that your Lordſhips would be pleaſed not to take any Prejudice or Apprehenſion of any Number or

An. 18 James I. 1620.

Muſter of them, eſpecially, againſt a Judge that makes two hundred Decrees and Orders in a Year, (not to ſpeak of the Courſes that have been taken for hunting out Complaints againſt me) but that I may anſwer them according to the Rules of Juſtice, ſeverally and reſpectively. Theſe Requeſts, I hope appear to your Lordſhips, no other than juſt; and ſo, thinking myſelf happy to have ſo Noble Peers and Reverend Prelates to diſcern of my Cauſe, and deſiring no Privilege of Greatneſs for Subterfuge of Guiltineſs; but meaning, as I ſaid, to deal fairly and plainly with your Lordſhips, and to put myſelf upon your Honours and Favours; I pray God to bleſs your Counſels and Perſons. And ſo I reſt,

19 March, 1620. } Your Lordſhips humble Servant,
Fr. St. Alban, Canc.

The Clerk having read this Letter, the Lord Biſhop of *Landaff* was admitted to ſpeak in his own Defence, on the Accuſation of Brocage, in a Bribe intended to the Lord Chancellor, in Mr. *Egerton's* Cauſe. The ſaid Biſhop declared his great Grief, 'That he remained accuſed, arraigned, condemned, and executed, *indictâ Cauſâ*. For, although he ſhould, as he doubted not to do, clear himſelf, yet the Scandal would not die. He ſaid that the Party who accuſed him was the Party grieved; a Man weak and mad with Affliction; and as for the Action, whereof he was accuſed, he was but made Uſe of in it. He was requeſted, firſt by *Francis Jenour*, but refuſed; then by *Triſtram Woodward*, and then he alſo, denied it; at laſt the Party himſelf requeſted him, at whoſe Tears he yielded thus far, That the Party, *viz. Edward Egerton*, might acknowledge unto him a Recognizance of 6000*l.* it was, only, acknowledged, not enrolled, nor intended to be enrolled; he was only truſted with it for Mr. *Egerton's* Good, *Davenport* and others were to be the Actors. That he diſcharged his Truſt accordingly, tho' *Davenport* and others importuned him to the contrary. His Aims in this Action were two; the one Charity, to do Mr. *Egerton* Good,

The Biſhop of Landaff's Defence.

Good; the other to prefer a beneficial Suit to an honourable Friend to whom he ow'd his very Life. If he had an Eye to some private Gain to himself, having a Wife and Children, he had therein sinned against God, in not relying wholly on him for their Maintenance; but not Share in the Sum of this 6000 *l.* was ever purposed unto him, and upon strict Examination of his Conscience therein, he protested, before God, in whose Sight he stood, and before this honourable Assembly, *qui estis Dii, inquit*, That he was not to have had one *Denier* of Share therein.' An. 18 James I. 1620.

When the Bishop had ended his Defence, the Lord Chamberlain moved, That for the better Consideration of this Business, and how to proceed to the Proofs, the Court may be adjourned, *ad placitum*, and the whole House sit as a Committee; whereupon, the Lord Chief Justice removed to his Place, as an Assistant.

After much Debate thereof, the Chief Justice returned to his Seat, as Speaker; and it was agreed, that a Message should be sent to the House of Commons, declaring, 'That the Lords, according to the Conference Yesterday, have taken Consideration of the Complaint by them made against the Lord Chancellor, and against the Lord Bishop of *Landaff*. That they find the Commons have made Use of three Letters, wrote by the said Lord Bishop of *Landaff*, and of other Writings, mentioned by them in the said Complaint; also the Testimony of two Gentlemen, Members of that House, Sir *George Hastings* and Sir *Richard Young*; in taking whose Testimony, the Lords intend not to touch the Privileges of their House, but to have it as from private Persons, and not as Members of Parliament. Lastly, That the Lords may, also, with the like Respect, desire the Testimony of any others, though Members of that House, if Cause shall require, upon the Examination of the Abuses complained of.' *Answer.* 'That the said two Gentlemen, Sir *George Hastings* and Sir *Richard Young* will voluntarily, and not by Commandment Proceedings in consequence thereof.

An. 18 James I. 1620.

or Direction of their Houſe, attend their Lordſhips; and that all Letters required ſhall be ſent accordingly. As for the general Requeſt, That the Lords may ſend for any other Member of that Houſe to be examined; herein they humbly pray, that they may adviſe thereof (*u*).'

During the Time that the whole Houſe ſat as a Committee, as aforeſaid, it was debated and agreed to, that the Parties undernamed ſhould be alſo ſent for, to be ſworn and examined in this Buſineſs.

Chriſtopher Aubrey,	*Ralph Mereſill*,
Edward Egerton,	*Triſtram Woodward*,
Francis Jenour,	*Randolph Davenport.*

It was alſo moved and much debated, Whether Sir *William Bronker* and Sir *Rowland Egerton*, the two Adverſaries of *Chriſtopher Aubrey* and *Edward Egerton*, ſhould be ſent for to be examined, whether they gave any Bribe on their Part.

Moved by the Earl of *Southampton* and agreed, That an Anſwer ſhould be ſent to my Lord Chancellor's Letter; whereupon a Meſſage was ſent to him to this Effect: 'That the Lords received his Letter, delivered unto them by the Lord-Admiral. They intended to proceed in his Cauſe, now before them, according to the right Rule of Juſtice; and they ſhould be glad if his Lordſhip ſhall clear his Honour therein. To which End they pray him to provide for his Defence.'

An Anſwer ſent to the Lord Chancellor's Letter;

Moved by the Earl of *Suffolk*, and much debated, touching the Precedency and Equality of the two Univerſities, when much was alledged, for the Right of Precedency, in each of them; but the Earl of *Suffolk* deſired only an Equality between them; which was ordered to be put to the Queſtion To-morrow, after the *Subſidy* Bill was read. Adjourned to Two in the Afternoon.

His Reply.

March 20, *poſt Meridiem*. An Anſwer was brought from the Lord Chancellor to the Meſſage of the Lords, 'That he returned them humble Thanks for their Aſſurance of Juſtice in his Cauſe, and

(*u*) See the Concluſion of this Matter about the Biſhop, in the Proceedings of the Lords, under *May* the 30th of this Seſſion.

and Well-Wiſhes to him of Succeſs. The one ſecures, the other comforts him. That he intends to put their Lordſhips in mind, hereafter, of ſome Points contained in his Letter; for that the ſame were not ſpoken of in the Meſſage delivered unto him.' An. 18 James I. 1620.

Sir *George Haſtings* and Sir *Richard Young*, *jurat.*

A Voir dire to all Queſtions, aſked by the Court, or Committee, or by any authorized by the Court, whether their Anſwers be by Word, or ſet down in Writing.

The Bill for the Grant of two entire *Subſidies* by the Temporality, and three from the Clergy, was paſſed and confirmed. Subſidy-Bill paſſed.

Several Witneſſes ſworn, in the Cauſe of Grievances on the Patent for Gold and Silver-Thread. *Edward Egerton* was alſo ſworn, **A Voir dire**, *&c.* after which he delivered a Petition touching the Proceedings in his Cauſe in Chancery; *cujus quidem Tenor ſequitur in hæc Verba.*

To the Right Honourable the Lords Spiritual and Temporal in the preſent Parliament aſſembled.

The humble Petition of EDWARD EGERTON, Eſq;

Humbly ſheweth,

Mr. Egerton's Petition againſt the Lord Chancellor.

THAT your Petitioner being unmarried, and ſickly, by Indentures of Uſes, and other Conveyances, entail'd divers Manors and Lands, in the Counties of Cheſter *and* Stafford, *to the Uſe of your Petitioner, and to the Heirs Male of his Body; and for Default of ſuch Iſſue, to remain to Sir* John Egerton, *and his Heirs; which ſaid Conveyances were voluntary, without any Conſideration for the ſame, and with Power of Revocation.*

That Sir John Egerton *having by Deed, executed in his Life-time, conveyed all his own Lands unto* Rowland Egerton, *his Son and Heir; and having advanced in Marriage all his Daughters, did make his laſt Will and Teſtament in Writing, under his Hand and Seal, having firſt bound the ſaid* Row-

An. 18 James I. 1620.

land, *in a Security of* 5000 *l. to perform his ſaid Will.*

That the ſaid Sir John, *by his laſt Will, in general Words, deviſed all his Lordſhips Manors, Lands, Tenements, and Hereditaments, to your Petitioner and his Heirs, and made your Petitioner ſole Executor. By which ſaid Will all the Eſtate of the ſaid Sir* John, *in any Part of your Petitioner's Lands, (if he had any Eſtate therein, as indeed he had not) was lawfully deviſed to your Petitioner, and his Heirs.*

That the ſaid Sir Rowland Egerton, *unduly obtained of Sir* John Bennet, *Knt. Letters of Adminiſtration, to be granted to two of his Siſters, after the ſaid Will was exhibited to be proved; whereby your Petitioner was put to* 2000 *l. Charge in Suits of Law.*

That Sir Rowland Egerton *hath alſo, by indirect Means, got into his Hands the ſaid Indenture of Uſes, and all your Petitioner's other Writings and Evidences, and refuſeth to let him ſee the ſaid Indentures of Uſes, or to deliver to your Petitioner a true Copy thereof, albeit, in Law, the ſame doth belong to your Petitioner.*

That the Lord Elleſmere, *late Lord Chancellor of* England, *before the Probate of the ſaid Will, did decree, That the ſaid Sir* Rowland *ſhould have and enjoy the Manors of* Urin-Hill *and* Heywood-Barnes, *being a great Part of your Petitioner's Inheritance, worth* 600 *l. per Annum, with any Cauſe of Equity contained in the ſaid Decree.*

That your Petitioner made humble Suit unto the Right Honourable Francis *Viſcount* St. Alban, *now Lord Chancellor of* England, *to have the Benefit of a Subject to recover his ancient Inheritance by ordinary Courſe of Law: That the preſent Chancellor took from your Petitioner* 400 *l. in Gold, and* 52 *l.* 10 *s. in Silver Plate; which Money was accepted from your Petitioner, by the Chancellor, ſaying,* Your Petitioner did not only enrich him, but alſo laid a Tye upon him to do your Petitioner Juſtice in his rightful Cauſe: *That afterwards the ſaid Lord Chancellor ſent for your Petitioner, and did, by great*

great Oaths and Proteſtations, draw your Petitioner to ſeal an Obligation to his Lordſhip of 10,000 *Marks, to ſtand to his Lordſhip's Award for all the Lands whereof Sir* John Egerton *died ſeized on; but not for any other of your Petitioner's Land.* An. 18 James I. 1620.

That afterwards your Petitioner was, divers Times, ſent for by Thomas Sharpeigh, *then Steward of his Lordſhip's Houſe; and your Petitioner was ſeveral Times offered, That if he would preſently pay* 1100 *l. in ready Money; that is to ſay,* 1000 *l. for his Lordſhip, and* 100 *l. for the ſaid* Sharpeigh, *that then your Petitioner would have all his Lands decreed unto him; which your Petitioner could not then preſently pay in ready Money.*

That afterwards the Lord Chancellor did not only confirm unto the ſaid Sir Rowland, *the Lands which he then held of your Petitioner's Inheritance, being worth* 600 *l.* per Annum, *but he did alſo take away from your Petitioner more Lands, worth* 15,000 *l. and decreed the ſame unto the ſaid Sir* Rowland Egerton, *who did not make any Title thereunto before the ſaid Bond was taken, or the Decree made. Likewiſe the Lord Chancellor did decree, That the ſaid Bond of* 10,000 *Marks, made by your Petitioner to the ſaid Lord Chancellor in his own Name, ſhould be ſet over and delivered to the ſaid Sir* Rowland Egerton, *who ſhould ſue for the ſame in the Lord Chancellor's Name, and recover on it to his own Uſe.*

The Lord Chancellor did further decree, That your Petitioner ſhall not take the Benefit of the Statute of 5000 *l. made by the ſaid Sir* Rowland, *to perform the Will; and your Petitioner is reſtrained, by the ſaid Decree, from the Benefit of a Subject to recover his Right, by the ordinary Courſe of Common Law, without any Cauſe of Equity ſet forth in the ſaid Decree.*

That your Petitioner having ſpent 6000 *l. in Suit at Law, and being deprived of all his ſaid Evidences, being utterly impoveriſhed by the evil Dealing of the ſaid Lord Chancellor, and by the indirect Practices of the ſaid Sir* Rowland, *is likely to be defrauded of all his ancient Inheritance, contrary to the common Juſ-*

tice

An. 18 James I. 1620. *tice of the Land, except he be relieved herein by this high Court of Parliament.*

Your Petitioner humbly prayeth, that the ſaid Sir Rowland Egerton *may be ordered to produce and bring forth, upon Oath, all ſuch Indentures of Uſes, Writings, and Evidences, as he hath, or any other hath to his Uſe, concerning your Petitioner's ſaid Lands, and whereby he claimeth any Eſtate in the Lands, to the End your Honours may judge thereof, and do therein further, as, to your Wiſdoms, ſhall ſeem to ſtand with Juſtice.*

After this Petition was read, Mr. *Egerton* affirmed upon his Oath, that the Contents of it were true; and he was afterwards examined further in open Court. *Robert Sharpeigh*, Eſq; *Randolph Davenport*, and *Chriſtopher Aubrey*, were alſo ſworn and examined.

March 21. At the Requeſt of Mr. *Egerton*, three more Witneſſes were ſworn and examined in his Cauſe: And many more Witneſſes offering themſelves to be ſworn, in the Cauſe againſt the Lord Chancellor, three ſeveral Committees of the Lords were appointed, with a Judge, or an eminent Counſel, to attend each, to take Examinations, in order to expedite the Cauſe. Special Caution was given them, that no one ſhould be urged to accuſe himſelf.

A Meſſage was brought from the Lower Houſe by Sir *Thomas Edmonds*, and others, 'That the Commons acknowledge, and take in good Part, the great Reſpect between the two Houſes in all Cauſes of this Parliament. To anſwer which, they are well pleaſed, that the Lords of this Court may examine any Members of their Houſe, who will freely offer themſelves to their Lordſhips for that Purpoſe.' At the ſame Time he added, 'That they had ſent to their Lordſhips a Bill againſt Relators, Informers, and Promoters; and, eſpecially, commended the good Succeſs and Expedition of it; becauſe they did conceive it would give great Content

tent to the Country.' Which Bill was read a firſt Time, notwithſtanding the Order of the Houſe of the 15th Inſtant.—*Francis Joyner*, *Ralph Merefill*, and *John Churchill*, were ſworn, as Witneſſes in the Chancellor's Cauſe. An. 18 James I. 1620.

March 21, *poſt Meridiem*. *Henry Elſing* was ſworn in Clerk of the Parliament, and the Form of the Oath is given in the *Journal*. Sixteen more Witneſſes, there named, were alſo ſworn againſt the Chancellor; and as the Examination of all theſe Witneſſes would take much Time, it was agreed that the Committees ſhould tranſmit the Names of the principal of them, and the Heads on which they were to be aſked: The Examinations to be taken in open Court.

The Form of the OATH agreed on.

Oath of the Witneſſes in the Lord Chancellor's Cauſe,

YOU ſhall ſwear that you ſhall true Anſwer make to all ſuch Queſtions and Interrogatories as ſhall be mentioned unto you by this High Court, or by the Lords of the Committees, or by any Perſon, or Perſons, authorized by this High Court. You ſhall ſay the Truth, the whole Truth, and nothing but the Truth; and you ſhall not ſpare to do ſo, neither for Fear, Favour, or Affection, or any other Cauſe whatſoever, whether your Depoſitions be in Writing, or by Word of Mouth. So help you God, and the Contents of this Book.

INTERROGATORIES *to be miniſtred to them that ſhall be ſent to be examined in open Court.*

And Interrogatories.

1. WHETHER they, by themſelves, or any other Perſon, have given Money, or any other Gratuity, to the Lord Chancellor, or to any Servants, Friends, or Followers of his?

2. Whether they have adviſed or directed any to do ſo, or know of any other that hath ſo done?

3. Whether they, or the Parties which they adviſed ſo to do, or have heard ſo to have done, had then any Cauſe or Suit depending before him, or intended to have any.

4. Whether

An. 18 James I. 1620.

4. Whether they have intended, attempted, or known others that have attempted, or contracted for any Gratuity to be given, tho' not performed?

Sir *George Reyvel* delivered, in Writing, his Account of the Bribes given by him to the Lord Chancellor; which he alſo confirmed by Oath.

Further Examinations of Witneſſes.

Ordered, That no Witneſſes be examined as to what they received themſelves; but only what Bribes were given to the Chancellor. Several other Witneſſes were examined, and their Depoſitions taken, in Writing, on Oath.

March 22. Thirteen more Witneſſes ſworn in the Chancellor's Cauſe; after which the Lord Chief Juſtice related a Meſſage, delivered Yeſterday by Sir *Robert Philips*, and others; which conſiſted, he ſaid, of two Points, the one Matter of Reſpect, the other of Subſtance.

'In the firſt they acknowledged the good Correſpondence between both Houſes, eſpecially in the Examination of the Grievances complained of, and preſented to the Lords; with humble Thanks for the Support the Lords added to their Labours, in giving the Oath to the Examinants; which they could not do. They humbly deſire to know the Time of the Receſs of this Parliament, and of the Acceſs again, that they may depart accordingly, and meet at the ſame Time with their Lordſhips.'

The ſecond Thing being Matter of Subſtance, conſiſted of four Points againſt the Lord Chancellor.

'The firſt, a Suit in Chancery, being between the Lady *Wharton*, Plaintiff, and *Wood*, with others, Defendants, upon Croſs-Bills. The Chancellor, upon Hearing, wholly diſmiſſed them; but, upon the Entry of the Order, the Croſs-Bill againſt the Lady *Wharton* was only diſmiſſed; and, afterwards, for a Bribe of 300*l.* given by the Lady *Wharton* to the Lord Chancellor, his Lordſhip decreed the Cauſe for her; and then hearing that *Wood*, and the other Defendants, complained thereof to the Commons, his Lordſhip ſent for them, and damned

that

that Decree as unduly gotten; and when the Lady *Wharton* began to complain thereof, his Lordſhip ſent for her alſo, and promiſed her Redreſs, and ſaid, That the Decree was not yet enter'd. An. 18 James I. 1620.

'In a Suit, between one *Hull*, Plaintiff, and *Holman*, Defendant; *Holman*, deferring his Anſwer, was committed to the *Fleet*, where he lay twenty Weeks; and, petitioning to be delivered, was anſwered by ſome about my Lord Chancellor, That the Bill ſhould be decreed againſt him, *pro Confeſſo*, unleſs he would enter into 2000 *l.* Bond to ſtand to the Lord Chancellor's Order; which he refuſing, his Liberty coſt him, one Way or other, better than 1000 *l.* *Holman* being freed out of the *Fleet*, *Hull* petitioned the Lord Chancellor; and *Holman*, finding his Cauſe to go hard on his Side, complained to the Commons: Whereupon the Lord Chancellor ſent for him, and, to pacify him, told him he ſhould have what Order he pleaſed himſelf.'

'In another Cauſe between *Smithwick* and *Wyche*, the Matter in queſtion being for Accounts, the Merchants, to whom it was referred, certified on the Behalf of *Smithwick*; yet *Smithwick*, to obtain a Decree, was told by one Mr. *Burrough*, one near the Lord Chancellor, that it muſt coſt him 200 *l.* which Sum he paid to Mr. *Burrough*, or Mr. *Hunt*, for the Uſe of the Lord Chancellor, and yet he decreed but one Part of the Certificate; whereupon he treats again with Mr. *Burrough*, who demanded another 100 *l.* which *Smithwick* alſo paid for the Uſe of the Lord Chancellor. Then his Lordſhip referred the Accounts again to the ſame Merchants, who certified again for *Smithwick*; yet his Lordſhip decreed the ſecond Part of the Certificate againſt *Smithwick*; and the firſt Part, which was formerly decreed for him, his Lordſhip made doubtful. *Smithwick* petitioned the Chancellor for his Money again, and had it all, ſave 20 *l.* kept back by *Hunt* for a Year.'

The Lord Chief Juſtice delivered alſo three Petitions to their Lordſhips, received Yeſterday from the Commons; the firſt from the Lady *Wharton*, the

An. 18 James I. 1620.

the next from *Wood*, and others, and the third from *Smithwick*.

The fourth Part of the Meſſage conſiſted only of Inſtructions, delivered to the Commons by one *Churchill*, a Regiſter, containing divers Bribes and Abuſes in Chancery; which they deſire may be examined.

Four more Witneſſes delivered into the Lords their Depoſitions, on Oath, againſt the Chancellor, in Writing, and ſigned by their own Hands. One of which, *William Peacock's*, being obſerved not ſo full as Yeſterday, he was aſked, if he had ſpoke with ſome of the Lord Chancellor's Servants ſince that Time; which he own'd he had: Upon which he was ordered to write his Depoſition over again, and add the Subſtance of that Conference.

It was now that the Proceedings againſt the Chancellor met with ſome Stop, by the Lords, in the ſeveral Committees appointed to enquire into the other Grievances complained of by the Commons, bringing in the Accounts of their Progreſs in them. The Lord Chamberlain, one of the Committee appointed to enquire into the Grievances of the Patent concerning *Inns* and *Hoſtelries*, reported,

Report from the Committee on Grievances.

'That in the ſaid Patent were three Things conſiderable: Firſt, The Legality of it granted to *Mompeſſon*; but in that the Committee had no Power to judge. Next, The Inconvenience. Laſtly, The Abuſes in the Execution. That the Inconvenience appeared in the Patent, where the Judges are made ſubject to a baſe Fine of five Shillings; and, in the Execution, becauſe that Sir *Giles Mompeſſon* affronted the Juſtices of the Peace, and threatned ſeveral of them with the Council-Table. And, becauſe there were Certificates ſent him, from Time to Time, of thoſe Ale-Houſe Keepers, who were ſuppreſſed for ill Behaviour, he made this Uſe of it, to make them Innkeepers. That he granted Licences to divers baſe Fellows to keep Inns; and ſued out Proceſſes

againſt 4000, for keeping Inns without Licence, and for the Price of Horſe-Meat, of which he only tried two Suits. Laſtly, His Lordſhip delivered a Collection of the ſeveral Abuſes and the Proofs of them.' An. 18 James I. 1620.

The Earl of *Arundele* reported, That the Conſideration of the Grievances by the Patents of *ſole Manufacturing Gold and Silver-Thread*, complained of, being committed to his Lordſhip and other Lords joined with him in Committee, 'That they had often met, the Buſineſs being attended with great Difficulty, and conſiſted of many Particulars. That they had examined many Witneſſes, and more were produced who were fit to be examined, if the Time of Receſs ware not ſo near at Hand. The Lords Committees have thought good to preſent to the Houſe theſe Proofs they have made, not to delay the Time; but their Lordſhips were not to be excluded from giving further Proofs hereafter.'

'His Lordſhip obſerved, That the Committee dealt, chiefly, with the Execution, not with the Legality of theſe Patents. They found in the Execution thereof, That the Authority given by theſe Patents, which ought to have been rarely uſed, was uſed by them familiarly, to the undoing of Thouſands. That the Warrants dormant, to ſeize and impriſon, *&c.* exceed all Kinds of Warrants; of which there are three, and one of them is without Date and razed; and the other hath a Date by a new Hand. That Sir *Giles Mompeſſon* committed divers to Priſon, without Examination, which they could not do by that Warrant. Several were threatned with Impriſonment. That one *Fowlis* did lock up divers in their own Houſe. That ſeveral Houſes were violently broke up and the Parties Goods ſeized. That others were compelled to enter into Bonds, not to exerciſe their own Trade and to ſtand to their Orders; and to make Oath what Quantity of Gold and Silver-Thread they ſold, and to whom. That Sir *Giles* confeſſed divers of theſe Wrongs, and made Reſtitution

An. 18 James I. 1620.

tution unto many. That this Work of Gold and Silver-Thread was much ſophiſticated, ſince the Grant of the ſole Manuracture thereof.'

His Lordſhip further declared, That the Lords Committees urged none to accuſe himſelf, and admoniſhed every Man not to accuſe another out of Paſſion. He deſired, That though Sir *Giles Mompeſſon* be fled, yet that *Fowlis* and other Delinquents may be heard here, what they can ſay in their own Defence.

The Earl of *Southampton*, one of the Committee to conſider of the Grievances complained of for *Concealments*, reported to the Houſe, 'That they find his Majeſty to be much abuſed in the Pretence and Execution of this Grant.' They find that Sir *Giles Mompeſſon* obtained a Commiſſion to himſelf, to call all Officers before him; by Virtue whereof he fetched up, from all Parts, the King's Officers, and kept them here to fill his Book, granted unto him of 200 *l. per Annum*, on concealed Lands, in Recompence of his Service. The Proceedings, Warrants, and the Abuſes in the Execution, are all ſet down in the Declaration, delivered by the Commons. Their Lordſhips Labour was to look into theſe Informations, wherein they deſired the Help of divers Gentlemen of the Lower Houſe; who, not as Members of that Houſe, but as private Gentlemen and Friends, gave their Lordſhips full Satisfaction therein. In this Search, they found Proofs of every Point, ſet down in the ſaid Declaration; and, for their more full Satisfaction, they reviewed the Records themſelves, wherein they found ſome Proceedings, not mentioned in the Declaration, and not warranted by any Commiſſion. *Viz.*

'Proceſs uſed by *George Geldard*, Sir *Giles Mompeſſon's* Agent, in the King's Attorney's Name; the ſaid *Geldard* confeſſing to one and but one.'

'Sir *Giles Mompeſſon* uſed *Geldard* and his Man as his Agents; *Geldard* to be Commiſſioner, and *Geldard's* Man to be his Clerk.'

'Their

'Their Lordships found likewise, That *Geldard's* Man gave the Evidence to the Jury, and, though the Jury found an imperfect Verdict, yet *Geldard* proceeded as upon a perfect one.' An. 18 James I. 1620.

'That *Geldard* compounded with divers who were questioned for their Lands, as concealed, and employed those Parties, as Commissioners, for their own Compositions.'

'That they set down in their Book an Advowson and a Rectory at Four-pence *per Annum*; and Lands, called *Pease Marsh*, at ten Shillings a Year; which was affirmed by Sir *George Moore*, the Tenant to it, to contain 700 Acres, and to be better worth than 300*l.* a Year.'

'That there was no Time limited to Sir *Giles Mompesson* to fill up his Book; whereby, his vexing the Subject, to fill the same, might continue seven Years.'

'Lastly, Their Lordships conceived, That as his Majesty had been abused in the Grant and in the Execution of it, so he should also have been in the End.'

After this last Report was ended, the Lord-Admiral, *Buckingham*, stood up and moved the House, 'That Care might be taken, hereafter, that the Sophistication of the Manufacture of Gold and Silver-Thread be prohibited; and none be permitted to work thereon, to waste and consume the Bullion of the Land. He commended the Trade that set so many Thousands on Work; and, if Order was first taken for bringing in Bullion, and against the Sophistication, it might be gainful both to the King and Common-Wealth; and to new Patentees, if another Patent thereof should be thought fit.' Marquis of Buckingham's Speech on that Occasion.

His Lordship shewed further, 'That the Motive for the Grant of *Concealments* was, That Sir *Giles Mompesson* offered his Service, to consider how the Multitude of Officers in the Exchequer might be cut off. In which his Majesty first asked the Opinion of the Judges; and his Majesty's Pleasure was not to prejudice any Officer, during his Life,

An. 18 James I. 1620. but to provide for the future; which was, and yet is, his Majesty's Resolution to do; in Consideration whereof, this Patent of *Concealments* was first granted to the said Sir *Giles*. It was ill foreseen, that a Man of his corrupt Disposition should be admitted to view the Records, which he might embezzle, blot, or raze out for his own Profit; but, at that Time, Sir *Giles* had the Reputation of an honest Man.'

'That Sir *Giles* had abused this Grant many Ways, but, as yet nothing was past under Seal. That the Abuse, partly, grew out of this, That Sir *Giles* had compounded with one *Geldard* for the same, who, to make his best Commodity thereof, put into the Book Matters of great Value at small Rates; which, when his Lordship heard of, he rebuked Sir *Giles* and willed him to look to it, and not to suffer any thing to be past but what the Chancellor of the Exchequer should first allow of. That, thereupon, the said Sir *Giles*, in the Hearing of his Lordship, delivered his Book to Mr. Chancellor to be viewed, and whatsoever he thought good to be put out. Lastly, Though much was intended to the Prejudice of his Majesty and the Subject, yet nothing was past.'

When the Minister had ended his Speech, a Motion was made and agreed to, 'That, altho' the Proofs given before the Lords against Sir *Giles Mompesson* and others his Agents, for their Misdemeanors, were good and manifold, yet, their Lordships will hear the Parties themselves what they can say in their own Defence. But, because *Easter* is drawing on, and the Time of Recess very near, in which short Space all the Delinquents cannot be heard and proceeded against; it was further agreed, That a Collection be made of all the Proofs, concerning Sir *Giles Mompesson* only; which being read to the House, the Lords would proceed to sentence Sir *Giles Mompesson*, tho' absent; for that his Flight is an Eviction in Law: And for that the Expectation thereof is great as well as the Grievance, therefore the Proceedings should be with Expedition,

dition, that the whole Kingdom might hear of the *Punishment* imposed upon *Delinquents*, by this Parliament, as well as of the granted *Subsidies*. An. 18 James I. 1620.

A Debate arising, in what Manner to proceed against the said Sir *Giles*, whether by Indictment in that House, or otherwise? And there being some Confusion amongst the Speakers, the Prince of *Wales*, who constantly attended this Business Morning and Afternoon, made a Motion, 'That by the ancient Orders of the House, no Lord was to speak twice, though to explain himself, except some other Lord mistake his Meaning in any Part of his Speech.' This was commanded to be entered, and ordered to be observed. Debate thereon.

On a Motion of the Earl of *Arundele*, the House was adjourned, *ad Libitum*, and the Lord Chief Justice left his Seat, as Lord Chancellor. Then it was debated, What Course should be taken with *Matthias Fowlis*, *George Geldard*, and other Delinquents, committed by the Lower House, and sent by them to be examined by the Lords; and many foul Abuses proved against them. Likewise concerning Sir *Francis Mitchell*, whom the Lower House had first committed for a Contempt against them, and is also found guilty of many great Misdemeanors, relating to the Patent of Gold and Silver-Thread. But nothing was then resolved on; and the Chief Justice returning to his Seat, as Chancellor, a Message was sent from the Lords to the Lower House, to desire they would please to present themselves this Afternoon, with their Speaker, to hear his Majesty's Commission read for the Royal Assent to the two *Subsidy* Bills: Also, to acquaint them, that the Lords had agreed the Recess from Parliament, this Time, to be on *Tuesday* next; but that the Lords do leave the Time for Access again, to the Consideration of the Commons: And further, to let them know that the Lords are very careful to expedite the Bill against *Promoters*, which was so earnestly commended unto them. Which Bill had been once read, but, be-

An. 18 James I. 1620.

cauſe the Time of the Receſs is ſo near, their Lordſhips intend to ſpend this Interval in proceeding to ſentence Sir *Giles Mompeſſon* only. Laſtly, Their Lordſhips deſire a Conference with them, about the ſafe Keeping or Bailing of *Matthias Fowlis*, *George Geldard*, and other Delinquents, committed by them of that Houſe; and that they come prepared to give their Lordſhips Satisfaction therein.' Anſwer returned, 'That the Commons agreed to all theſe Propoſitions of the Lords; would come prepared for the Conference that Afternoon; and give them an Anſwer to every Thing.'

March 22, *poſt Meridiem*. The Speaker of the Houſe of Commons being ſent for in and come to the Bar, the Lord Chief Juſtice delivered to the Clerk the King's Commiſſion, ſigned by his Majeſty, and under the Great Seal, with the two Acts of *Subſidies* annexed to it. Which Commiſſion, in the uſual Form, (and therefore omitted) being read, the Commons withdrew.

The Lords being to meet the other Houſe in the *Painted-Chamber*, the Earl of *Dorſet* acquainted their Lordſhips, 'That he was informed by ſeveral Gentlemen of the Commons, that the Meſſage ſent them in the Morning, was wholly miſtaken in the Delivery of it. On which another Meſſage was ſent to the ſame Purport, by other Meſſengers, in order to explain the former.'

Remarkable Unanimity of both Houſes.

On the Return from the Conference, the Lord Treaſurer made the Report of it to the Lords, 'That the Commons render their Lordſhips humble Thanks, for their honourable and reſpectful Entertainment; with hearty Thanks to Almighty God for the great and good Unity between the two Houſes.'

'That whereas their Lordſhips had left the Time of Acceſs again to Parliament, to be reſolved on by them; they, upon ſerious Deliberation, have agreed the ſame to be on the 17th of *April* next.'

'That they refer unto their Lordſhips the Bailment or Commitment of *Matthias Fowlis*, *Geldard*,

dard, and other Prisoners, by them transmitted to their Lordships. But their Opinion is, if it may so stand with their Lordships Pleasure, That a Goal is the best Bail for them. And, as for Sir *Francis Mitchell*, though he be by them committed Prisoner to the *Tower*, yet, he is left to their Lordships Determination.' An. 18 James I. 1620.

After some Debate on what should be done with those Prisoners, it was ordered, That *Fowlis* and *Geldard* should be committed close Prisoners to the *Fleet*; with a special Charge to the Warden for their safe Custody: And a Warrant was made out by the Clerk of Parliament accordingly.

The Lord Treasurer put the Lords in Mind of the Motion made by the Lord Admiral this Morning, For some Order to be taken to prevent the Sophistication of Gold and Silver-Thread, and the Waste of Bullion. Agreed, That the Attorney-General do draw up a Form of a Proclamation for that Purpose; to present the same to the House, and, upon Approbation, to be laid before his Majesty.

Upon a Motion of the Lord *Houghton*, 'For Precedents to be searched for and produced, touching Judicature, Accusations, and Judgments, anciently used in this High Court of Parliament:' It was order'd, 'That a Committee, of a small Number, should presently take Care for the Search thereof amongst the Records, remaining in the *Tower*, or elsewhere, and Copies of the same certified under the Officers Hands.' The Earls of *Huntingdon*, *Warwick*, and the Lord *Houghton* were appointed for that Purpose.——Five more Witnesses, with the Lady *Wharton*, sworn in the Cause against the Lord Chancellor.

A Committee of Lords touching Precedents of Judicature, &c.

March 23. Upon a Motion of the Earl of *Suffolk* and others, it was ordered, 'That some of the Lords be appointed to cause Precedents to be searched, and Proofs to be produced, concerning the Precedency and Antiquity of the two Universities of this Kingdom; and the same to be presented to the House at the next Access of Parliament.'

An. 18 James I. 1620.

Further Proceedings in the Lord Chancellor's Cauſe.

It was agreed alſo, 'That the two former Committees, or any two Lords of either of the ſaid Committees, be appointed to examine Witneſſes, in the Chancellor's Cauſe, from Time to Time, between the Receſs and Acceſs of Parliament.—— Some more Witneſſes ſworn and examined againſt the Lord Chancellor.'

Poſt Meridiem, *Edward Egerton*, Eſq; preſented a Petition, praying, 'That Sir *Rowland Egerton* be ordered forthwith to produce, upon Oath, certain Indentures and Writings gotten unduely from the Petitioner. Upon a Motion of the Lord *Sheffield*, the ſaid Petition was ordered to remain with the Clerk, until the Corruption and Bribery complained of, be determined; and then the Lords would take it into their Conſideration.'

On a Motion of the Earl of *Arundele*, who acquainted the Houſe, 'That the Lords Committees being ordered to examine none to accuſe themſelves, they had taken, only, the Declaration of *Thomas Norton*, *Gervaſe Unwen*, and *Anthony Berry*, touching the Patentees of Gold and Silver; it was ordered, That the ſaid Perſons ſhould be now examined concerning Sir *Giles Mompeſſon* only.'

Sir *Ralph Hanſby* being ſworn in the Lord Chancellor's Cauſe, the Earl of *Southampton* ſhewed, 'That the ſaid Sir *Ralph* being examined by his Lordſhip and others, concerning a Bribe of 500 *l.* given by himſelf to the Lord Chancellor, he made a Doubt whether his Anſwer thereunto might not be prejudicial to his Cauſe; wherefore, their Lordſhips Reſolution herein was required, Whether the ſaid Sir *Ralph* ſhould be urged to make his Anſwer or not?

After long Debate of this Matter, it was order'd, 'That the Examinations, taken in this Court, ſhould not be, hereafter, uſed in any other Cauſe, or in any other Court. And, altho' divers of the Lords were of Opinion, That the Party's Confeſſion of the giving of a Bribe could not be prejudicial at all to him, yet others doubted thereof. Therefore, it was put to the Queſtion, Whether the

the said Sir *Ralph* should be examined what Gift or Reward he had given to the Lord Chancellor, and it was agreed he should be examined in that Form only.' An. 18 James I, 1620.

The Earl of *Huntington*, one of the Committee appointed to search Precedents of Sentences, *&c.* reported, 'That they had searched the Records, and the Earl of *Warwick* read the Heads of several Precedents, and then delivered the Notes taken out of the Records, and signed by the Officers, to be kept by the Clerk.'

The Collection of Sir *Giles Mompesson's* Offences, touching *Inns* and *Hosteries*, and the Proofs thereof, were read, with the Patent and Commission concerning the same.———Adjourned to the 26th Instant.

March 26. The King came to the House of Lords, the Peers being all in their Robes, and the Prince with his Coronet on his Head; the Earl of *Oxford*, as Lord Great-Chamberlain, bearing his white Staff, and the Earl of *Montgomery* the Sword. His Majesty, being seated on the Throne, made the following Speech to the Lords only (*x*).

My Lords,

'THE last Time I came hither, my Errand was to inform you (as well as my Memory could serve me, of Things so long passed) of the Verity of my Proceedings, and the Cautions used by me in the passing of those Patents, which are now in Question before you; to the Effect, that they might not be abused in the Execution: And this I did by Way of Declaration. But now I am come (understanding the Time of your Censure to draw near) to express my Readiness to put in Execution (which is the Life of the

The King's Speech to the Lords.

(*x*) This Speech is in *Rushworth*, Vol. I. p. 24, but is omitted in the Edition of King *James's* Works; as, indeed, are all his Speeches to Parliament, except Four: But for what Reason is not easy to guess. The following is taken from one (printed at *London* by *Bonham Norton* and *John Bill*, Printers to the King's Most Excellent Majesty, 1621) in the valuable Collection of Pamphlets in the Library of the late Sir *Henry Goodricke*, Bart.

An. 18 James I. 1620.

‘ the Law) thoſe Things, which ye are to ſentence
‘ (for even the Law itſelf is a dead Letter with-
‘ out Execution) for which Office God hath ap-
‘ pointed me in theſe Kingdoms. And though I
‘ aſſure myſelf, that my former Behaviour, in all
‘ the Courſe of my Life, hath made me well
‘ known for a juſt King; yet in this ſpecial Caſe
‘ I thought fit to expreſs my own Intentions, out
‘ of my own Mouth, for Puniſhment of Things
‘ complained of. The firſt Proof whereof I have
‘ given by the diligent Search I cauſed to be made
‘ after the Perſon of Sir *Giles Mompeſſon*, who
‘ though he were fled, yet my Proclamation purſued
‘ him inſtantly *(y)*: And as I was earneſt in that,
‘ ſo will I be to ſee your Sentence againſt him put
‘ in Execution.

‘ Two Reaſons move me to be earneſt in the
‘ Execution of what ye are to ſentence at this
‘ Time: Firſt, That Duty I owe to God, who
‘ hath made me a King, and tied me to the Care
‘ of Government, by that politic Marriage be-
‘ twixt me and my People. For I do aſſure you
‘ in the Heart of an honeſt Man, and by the Faith
‘ of a Chriſtian King, (which both ye and all the
‘ World know me to be) had theſe Things been
‘ complained of to me before the Parliament, I
‘ would have done the Office of a juſt King; and
‘ out of Parliament have puniſhed them as ſevere-
‘ ly, and peradventure more, then ye now intend
‘ to do.

‘ But now that they are diſcovered to me in
‘ Parliament, I ſhall be as ready in this Way, as
‘ I ſhould have been in the other. For (I con-
‘ feſs I am aſhamed (theſe Things proving ſo, as
‘ they are generally reported to be) that it was not
‘ my good Fortune to be the only Author of the
‘ Reformation and Puniſhment of them, by ſome
‘ ordinary Courts of Juſtice. Nevertheleſs, ſince
‘ theſe Things are now diſcovered by Parliament,
‘ which before I knew not of, nor could ſo well
‘ be diſcovered otherwiſe, in regard of that Repre-
‘ ſentative

(y) See before, p. 336.

'sentative Body of the Kingdom, which comes from all Parts of the Country: I will be never a whit the slower to do my Part for the Execution. For, as many of you that are here have heard me often say, so I will still say: So precious unto me is the Public Good, that no private Person whatsoever, were he never so dear unto me, shall be so respected by me, by many Degrees, as the Public Good, not only of the whole Common-Wealth, but even of any particular Corporation that is a Member of it: And I hope that ye, my Lords, will do me that Right to publish to my People this my Heart and Purpose. An. 19 James I. 1621.

'The second Reason is, That I intend not to derogate or infringe any of the Liberties or Privileges of this House, but rather to fortify and strengthen them. For never any King hath done so much for the Nobility of *England*, as I have done, and will ever be ready to do. And whatsoever I shall now say or deliver unto you as my Thought, yet when I have said what I think, I will afterwards freely leave the Judgment wholly to your House. I know ye will do nothing, but what the like hath been done before: And I pray you be not jealous, that I will abridge you in any thing that hath been used. For whatsoever the Precedents in Times of good Government can warrant, I will allow. For I acknowledge this to be the supreme Court of Justice, wherein I am ever present by Representation. And in this ye may be the better satisfied by my own Presence, coming divers Times amongst you: Neither can I give you any greater Assurance, or better Pledge of this my Purpose, than that I have done you the Honour to set my only Son among you; and hope that ye, with him, shall have the Means to make this the happiest Parliament that ever was in *England*.

'This I profess, and take Comfort in, that the House of Commons at this Time have shewed

'greater

An. 19 James I. 1621. ‘ greater Love, and used me with more Respect in ‘ all their Proceedings, than ever any House of ‘ Commons have heretofore done to me, or (I ‘ think) to any of my Predecessors. As for this ‘ House of yours, I have always found it respective to me; and accordingly do I, and ever did ‘ favour you as ye well deserved. And I hope it ‘ will be accounted a Happiness for you, that my ‘ Son doth now sit amongst you, who, when it ‘ shall please God to set him in my Place, will ‘ then remember that he was once a Member of ‘ your House; and so be bound to maintain all ‘ your lawful Privileges, and like the better of you ‘ all the Days of his Life. But, because the World ‘ at this Time talks so much of Bribes, I have ‘ just Cause to fear, the whole Body of this House ‘ hath bribed him to be a good Instrument for you ‘ upon all Occasions: He doth so good Offices in ‘ all his Reports to me, both for the House in general, and every one of you in particular. And ‘ the like I may say of one that sits there, (*Buckingham.*) He hath been so ready upon all Occasions to do good Offices, both for the House in ‘ general, and every Member thereof in particular. ‘ One Proof thereof, I hope my Lord of *Arundell* ‘ hath already witnessed unto you, in his Report ‘ made unto you of my Answer, touching the ‘ Privileges of the Nobility, how earnestly he spake ‘ unto Me in that Matter (z).

‘ Now, my Lords, the Time draws near of ‘ your Recess: Whether Formality will leave you ‘ Time for proceeding now to Sentence against ‘ all, or any the Persons now in Question, I know ‘ not. But for my Part, since both Houses have ‘ dealt so lovingly and freely with me, in giving ‘ me, as a free Gift, two Subsidies in a more loving ‘ Manner than hath been given to any King before, and so accepted by me; and since I cannot ‘ yet retribute by a general Pardon, which hath by ‘ Form usually been reserved to the End of a Parliament: The least I can do (which I can for- ‘ bear

(z) See before, p. 341.

'bear no longer) is to do something in present, for the Good and Ease of my People. An. 19 James I. 1621.

'Three Patents at this Time have been complained of, and thought great Grievances:

'1. That of the Inns and Hosteries.

'2. That of the Alehouses.

'3. That of Gold and Silver-Thread.

'My Purpose is to strike them all dead, and (that Time may not be lost) I will have it done presently.

'That concerning the Alehouses, I would have to be left to the Managing of the Justices of Peace, as before.

'That of Gold and Silver-Thread was most vilely executed, both for Wrongs done to Men's Persons, as also for Abuse in the Stuff; for it was a Kind of false Coin. I have already freed the Persons that were in Prison: I will now also damn the Patent: And this may seem instead of a Pardon. All these three I will have recalled by Proclamation, and wish you to advise of the fittest Form for that Purpose.

'I hear also that there is another Bill amongst you against Informers: I desire you, my Lords, that as ye tender my Honour, and the Good of my People, ye will put that Bill to an End so soon as ye can; and at your next Meeting to make it one of your first Works. For I have already shewed my Dislike of that Kind of People openly in the *Star-Chamber*; and it will be the greatest Ease both to me, and all those that are near about me at Court, that may be. For I remember, that since the Beginning of this Parliament, *Buckingham* hath told me, he never found such Quiet and Rest, as in this Time of Parliament, from Projectors and Informers, who at other Times miserably vexed him at all Hours.

'And now I confess, that when I looked before upon the Face of the Government, I thought (as every Man would have done) that the People were never so happy as in my Time. For even,

'as

An. 19 James I. 1621.

'as at divers Times I have looked upon many of 'my Coppices, riding about them, and they ap-'peared on the outside very thick, and well grown 'unto me: But when I entered into the Midst of 'them, I found them all bitten within, and full 'of Plains and bare Spots; like an Apple or Pear, 'fair and smooth without, but when you cleave it 'asunder, ye find it rotten at the Heart: Even so 'this Kingdom, the external Government being 'as good as ever it was, and I am sure as learned 'Judges as ever it had (and I hope as honest) ad-'ministring Justice within it; and for Peace, both 'at Home and Abroad, I may truly say, more 'settled, and longer lasting, than ever any before, 'together with as great Plenty as ever: So as it 'was to be thought, that every Man might sit in 'Safety under his own Vine, and his own Fig-'tree: Yet I am ashamed, and it makes my Hair 'stand upright, to consider, how in this Time 'my People have been vexed, and polled by the 'vile Execution of Projects, Patents, Bills of Con-'formity, and such like; which, besides the 'Trouble of my People, have more exhausted their 'Purses, than Subsidies would have done.

'Now, my Lords, before I go hence, since God 'hath made me the Great Judge of this Land 'under him; and that I must answer for the 'Justice of the same: I will therefore (according 'to my Place) remember you of some Things, 'though I would not teach you. For no Man's 'Knowledge can be so good, but their Memories 'will be the better to be refreshed. And now be-'cause ye are coming to give Judgment, all which 'moves from the King, that you may the better 'proceed, take into your Care two Things: First, 'to do *Bonum*; Secondly, next to do it *Benè*. I 'call *Bonum*, when all is well proved, whereupon 'ye judge, for then ye build upon a sure Founda-'tion: And by *Benè* I understand, that ye pro-'ceed with all Formality and Legality: Wherein 'you have fit Occasion to advise with the Judges, 'who are to assist you with their Opinions in

'Cases

'Cases of that Nature; and Woe be to them, if they advise you not well. So the Ground being good, and the Form orderly, it will prove a Course fitting this High Court of Parliament. An. 19 James I. 1621.

'In Sentence ye are to observe two Parts: First, to recollect that which is worthy of judging and censuring: And secondly, to proceed against these, as against such like Crimes properly. We doubt there will be many Matters before you, some complained of out of Passion, and some out of just Cause of Grievance. Weigh both; but be not carried away with the impertinent Discourses of them, that name as well innocent Men, as guilty. Let your Judgments only take hold of the Guilty: Proceed judicially, and spare none where ye find just Case to punish: But let your Proceedings be according to Law. And remember, that Laws have not their Eyes in their Necks, but in their Foreheads. For the moral Reason of the Punishment of Vices, in all Kingdoms and Common-Wealths, is, because of the Breach of Laws standing in Force; for none can be punished for Breach of Laws by Predestination, before they be made.

'There is yet one Particular, which I am to remember you of. I hear that Sir *Henry Yelverton* (who is now in the *Tower*, upon a Sentence given in the *Star-Chamber* against him, for deceiving my Trust) is touched concerning a Warrant dormant, which he made while he was my Attorney: *The which my Lord Treasurer (a) here, refused to set his Hand unto, like an honest Man, when it was brought unto him (b).* I protest, I never heard of this Warrant dormant before, and I hold it as odious a Matter, as any is before you: And if, for Respect to me, ye have forborne to meddle with him in Examination, be-

'cause

(a) *Henry Montagu*, Viscount *Mandeville*. He hath been before Lord Chief Justice of *England*. See his remarkable Speech upon the Supply, *Anno* 1601, in Vol. IV. p. 448.—The Duke of *Manchester* is lineally descended from this Branch of the *Montagu's*.

(b) This Passage is omitted in *Rushworth*.

An. 19 James I. 1621.

'cause he is my Prisoner; I do now here freely remit him unto you, and put him into your Hands.

'And this is all I have to say unto you, at this 'Time; wishing you to proceed justly and nobly, 'according to the Orders of your House: And I 'pray God to bless you: And ye may assure your-'selves of my Assistance; wishing that what I 'have said this Day, amongst you, may be entered 'into the Records of this House.'

Which gives great Satisfaction.

The King having ended his Speech, the Lords conceived so much Joy thereat; that they ordered the whole House to go to him, at One in the Afternoon, with their most humble Thanks for it.

The Collection of Offences and Abuses, committed by Sir *Giles Mompesson*, in the three Patents which were granted to him, being all read: It was resolved by the whole House, 'That it did appear to the Lords, and they were fully satisfied, Sir *Giles Mompesson* had erected a Court without Warrant; and, also, that he imprisoned the King's Subjects and exacted Bonds from them by Threats, without Warrant; and, afterwards, by undue Practices, procured a Proclamation and other Warrants to colour such his Doings. And yet that he executed all these Ills, and seized the Goods of divers Persons, contrary to such Authority, so unduly procured by him. That he neither paid the 10*l.* reserved Rent to the King, nor brought in the 5000*l.* of Bullion yearly, as he pretended and covenanted to have done. And that all his other Offences and Abuses had been fully proved against him.'

Further Progress in the Trial of Sir George Mompesson.

Hereupon it was agreed, 'That the Lords would give Sentence against Sir *Giles Mompesson*, in their Robes, in the Afternoon. The Lord Admiral, *Buckingham*, desired to be excused if he should be absent; but he gave his Assent to their Lordships Censure of the said Sir *Giles*; affirming, That he had highly abused the King, and also himself, more than any other Lord of that House.'

Post Meridiem. The whole House met again, in which were present the Prince of *Wales*, the two Arch-

Archbishops, the Bishop of *Durham*, and fifteen other Bishops; the Lord Chief Justice *Ley*, as Chancellor, with twenty-three Earls and Viscounts, and twenty Barons. An. 19 James I. 1621.

The Lords being in their Robes, in order to give Sentence against the Offender, it was much debated first, amongst them, what Punishment Sir *Giles Mompesson* deserved for his high Crimes: And, because the Punishment inflicted heretofore on *Empson* and *Dudley* was much spoken of, the Lords desired to hear their Indictments.

The Indictment of *Richard Empson*, taken at *Northampton*, *A.* 1° *Henry* VIII. was read; by which it was observed, That the said *Empson* was indicted for Treason against the King. The Attorney-General also certified to their Lordships, that *Dudley* was indicted, in *London*, for Treason.

But to the End that these Matters might be more freely discussed, and what Punishment was fit to be inflicted on the Offender, the House adjourned *ad Libitum*, the Lord Chief Justice moving to his Place of Assistance; when, after a long Debate, the Lords agreed upon a Judgment against Sir *Giles:* The Earl of *Arundel* observing, That their Lordships might proceed against him hereafter, if more Matter, or Matter of a higher Nature, was found out.

Accordingly a Message was sent from the Lords to the Commons, 'That if they and their Speaker, according to the ancient Custom of Parliaments, come to demand of the Lords, that Judgment be given against Sir *Giles Mompesson*, for the heinous Offences by him committed, they shall be heard. Also that the Lords desire a Conference with them, in the *Painted Chamber*, To-morrow Morning.'

Answer return'd, 'That they would come to demand Judgment; and that they agreed to the Conference.'

In the mean Time the Lord Treasurer reported, 'That, according to the Order of the House made this Morning, the Prince's Highness, accompanied with many Lords, did present unto his Majesty most

An. 19 James I. 1621.

humble Thanks for his Majesty's most gracious Speech to the Lords that Morning; which Thanks, with the Manner of presenting the same, was most joyfully accepted by him, as he expressed in many kind and favourable Words; adding, *That the Lords had taken the right Way to catch a King, by speaking to him by his Son.*

The King's Answer to the Thanks of the House of Lords.

The Knights, Citizens, and Burgesses of the House of Commons, with their Speaker, being come up to the Bar, the Speaker repeated the last Message which the Lords had sent unto them, and said, 'The Commons, by me, their Speaker, demand Judgment against Sir *Giles Mompesson*, as the Heinousness of his Offences doth require.'

The Lord Chief Justice, as Speaker of the House of Peers, answered,

Their Judgment against Sir Giles Mompesson.

Mr. Speaker,

The Lords Spiritual and Temporal have taken Knowledge of the great Pains the Commons have been at, to inform their Lordships of many Complaints brought unto them against Sir Giles Mompesson, *and others, whereof their Lordships received several Instructions from them; and thereupon, proceeding by Examination of divers Witnesses upon Oath, they find Sir* Giles Mompesson, *and several others, guilty of many heinous Crimes against the King's Majesty, and against the Common-Wealth.*

Time will not permit their Lordships to deal with all the Offenders now; therefore they proceed to give Judgment against Sir Giles Mompesson, *according to your Demand; and, hereafter, their Lordships will proceed against the other Offenders.*

The Judgment of the Lords against the said Sir Giles Mompesson *is, and,*

The Lords Spiritual and Temporal of this High Court of Parliament do award and adjudge,

1. *That Sir* Giles Mompesson *shall, from henceforth, be degraded of the Order of Knighthood, with Reservation to his Wife and Children; the Ceremonies of Degradation to be performed by Direction of the Earl* Marshal's *Court, whensoever he shall be taken.*

2. *That*

2. *That he shall stand perpetually in the Degree of a Person outlawed for Misdemeanors and Trespasses.* An. 19 James I. 1621.

3. *That his Testimony be received in no Court; and that he shall be of no Assize, Inquisition, or Jury.*

4. *That he shall be excepted out of all general Pardons to be hereafter granted.*

5. *That he shall be imprisoned during Life.*

6. *That he shall not approach within twelve Miles of the Courts of the King or Prince, nor of the King's High Courts usually holden at* Westminster.

7. *That the King's Majesty shall have the Profits of his Land for Life, and shall have all his Goods and Chatels as forfeited; and he shall undergo Fine and Ransom, which their Lordships assess at* 10,000 *l.*

8. *That he shall be disabled to hold or receive any Office under the King, or for the Common-Wealth.*

9. *Lastly, That he be ever held an infamous Person.*

March 27. Moved for by divers Lords, agreed on, and ordered, 'That in respect of his Majesty's most gracious Speech, made here on the 26th of *March*, the same Day shall be, yearly, a Sermon-Day throughout all *England*, especially at *Westminster*; and all the Lords then in Town to resort unto it.' Ordered further, and decreed, 'That in all future Parliaments, the Lords shall sit in their Robes on the 26th of *March*, *in perpetuam Rei Memoriam.*' Order for Observation of the 26th of March.

The Lord Admiral delivered his Majesty's hearty Thanks to the Lords of this House, for their Sentence given Yesterday against *Mompesson*, it being so just, and yet moderate, in respect of the Heinousness of the Offence. And said, That the King, out of Regard to his People, and Detestation of the said Crimes, is pleased, *ex Abundante*, to inflict perpetual Banishment on the said *Mompesson*, out of all his Majesty's Dominions (*c*). The King adds to Mompesson's Sentence.

(*c*) This Proclamation, for Banishment, dated *March* 30, is in *Rymer's Public Acts*, Tom. xvii. p. 288.

An. 18 James I. 1621.

The Commons being ready in the *Painted-Chamber*, for the Conference; before the Lords went to them, the Lord Treasurer first reported the Heads of what he was to deliver, by Direction from the House.

'To make a short Recital of his Majesty's gracious Speech here Yesterday.'

'His Majesty's good Allowance and Approbation of the Sentence given against *Mompesson*; and that, out of his Grace and Favour to the People, he had added, to the Punishment, *perpetual Banishment*.'

'That the Lords of this House Yesterday presented, by the Prince, their humble Thanks unto his Majesty for his said Speech to their House; which was well accepted of.'

'To let them know that the Lords did consider of the Precedents for *Empson* and *Dudley*; but found they did not concur with this Case of *Mompesson*, they being both indicted for Treason.'

The Conference being over, it was ordered, That the whole Proceedings against *Mompesson* should be drawn up by the King's Counsel, perused by a Committee of Lords appointed for that Purpose, and entered in the Records of Parliament.

Then the Lords sent a Message to the Commons, to know if they had any other Business for them, because they did not intend to sit in the Afternoon; if not, that they wished them all Happiness in their Departure and Return.' *Answer.* 'That the House of Commons have received the noble Message, sent by their Lordships to them; for which they gave them most humble Thanks: That they also cease from Business this Morning. They acknowledge the great and good Respect between the two Houses, which hath been more this Parliament than ever; and that they, for their Parts, will endeavour to continue it: And so they wish all Honour and Prosperity to their Lordships.'

Great Agreement of Lords and Commons.

It was also ordered, That each Earl and Viscount should pay 40*s.* and each Bishop and Baron 20*s.* the Proxies to pay for the absent Lords; which Money was to be distributed amongst some Gentle-

Gentlemen employed by the Committee, in searching Records for Parliamentary Precedents; which were to be transcribed in Parchment, and safely kept. An. 19 James I, 1621.

Three particular Committees of Lords appointed to take Examinations in the Lord Chancellor's Cause, during the Recess of Parliament.

Both Houses adjourned themselves to the 17th of *April* next ensuing.

It may be thought necessary here to look into the particular Writer of this Reign, and the other Historians of the Times, for what they have left us, concerning the foregoing Proceedings; by which we may judge how *their Accounts* tally with the *Authorities* of the *Journals*. These last Authentic Testimonies seem to assure us, that there was never yet a Parliament, where the King and the two Houses were so unanimous in correcting the Grievances of the People: The House of Commons complained; the Lords judged and sentenced the Malefactors; and the King rooted out the Weeds that grew up in the Common-Wealth, in which they were shrowded. And yet, Mr. *Wilson*, in his Life of this King, insinuates strongly *(d)*, 'That *James* was not only the principal Agent, and the Source from whence these obnoxious Patents took Root, but had himself a great Share in the scandalous Profit collected by them. He tells us, 'That the King hearing these Patents were anatomized in the House of Commons; and, willing to comply with his People, whom he found so bountiful unto him, he came to the House of Lords to close, gently, with them, and excuse the granting of those Patents; shewing some Reasons why he granted them, and the Instructions he gave for the Execution of them; by which he hoped to take off that sharp Reflection that might otherwise fall upon him. But the Modesty of Parliaments seldom imputes any of these Miscarriages to the Observations on the foregoing Prosecutions of public Offenders.

(d) Wilson in *Kennet*, p. 734.

An. 19 James I. 1621. Prince; but the Actors under him muſt bear the Burden of it.'

From the King, this Author deſcends to his Chief Miniſter, the Marquis of *Buckingham*; he tells us, 'That the Parliament looked upon him as the firſt Mover of this great Machine: But the Wiſdom of the Houſe did not ſuffer them to riſe ſo high as to ſtrike at the uppermoſt Branches; they only prun'd thoſe, roundly, within their Reach: That all the World knew *Mompeſſon* was his Creature; and that, notwithſtanding the King's Proclamation, he got out of *England* by his Key.' How far this laſt Charge may be true, we know not; nothing appearing againſt *Buckingham*, in the *Journals*, relating to this Matter; tho' indeed, Mr. *Camden*, ſays, 'That the Marquis did forſake *Mompeſſon*, at this Time, on whom he moſt relied (*e*).'

Mr. *Ruſhworth*, in his *Hiſtorical Collections* of this Reign, informs us (*f*), 'That this Parliament, beſides petitioning the King to put the Laws in Execution againſt Jeſuits, Seminary Prieſts, and Popiſh Recuſants, (of which, by the Bye, there is not one Word in the *Journal* of this Seſſion) took in hand to redreſs the People's Grievances by illegal Patents and Projects: The Chief of which was that of Inns and Ale-houſes; whereby large Fines and an annual Revenue were collected thro' the Kingdom: That the Commons, at a Conference with the Lords, offered to prove, That the Patents of Gold and Silver-Thread; of Inns and Ale-houſes; of Power to compound for obſolete Laws; of the Price of Horſe-Meat, Starch, Cords, Tobacco-Pipes, Salt, Train-Oil, and the reſt, were all illegal. But, adds this Author, They touched not upon the King's Prerogative; for, in reſtoring the Subjects Liberty, they were careful to preſerve the King's Honour.'——Much more modeſtly expreſſed than by his Cotemporary, Mr. *Wilſon*.

Both theſe Writers do alſo give ſome Account of the Complaint from the Commons, and the Proceedings

(*e*) *Camden's* Annals in *Kennet*, p. 656. (*f*) Vol. I. p. 24.

ceedings upon it, in the Upper Houſe, againſt the Lord Chancellor *Bacon*. There is likewiſe, ſeemingly, the whole Trial of this unfortunate great Man, printed and publiſhed in the compleat Collection of *State Trials (g)*. But how ſhort all theſe Accounts are, when compared and what we have given from the *Lord's Journals*, will appear, in ſome Meaſure, from what has preceded; but much more in what is to follow. An. 19 James I. 1621.

April 17. The Time of the Acceſs of Parliament being come, the Houſe of Lords met; when the firſt Thing that was done there, was, to read, a ſecond Time, a Bill againſt certain troubleſome Perſons, commonly called Relators, Informers, and Promoters; and it was committed.

When this was over, the Lord Chamberlain acquainted the Houſe, 'That, in the *Interim* of the Ceſſation, the Lord Chancellor had been an humble Suitor to his Majeſty, that he might ſee and ſpeak with him. And altho' his Majeſty, in Reſpect to the Lord Chancellor's Perſon, and of the Place he held, might have granted his Lordſhip that Favour; yet, for that his Lordſhip was under the Trial of this Houſe, his Majeſty would not, on the ſudden, comply with his Requeſt.' Further Proceedings in the Caſe of Lord Bacon;

'That on *Sunday* laſt the King called all the Lords of this Houſe, which were of his Privy-Council, before him; and demanded their Lordſhips Advice what was beſt to be done in that Affair. The Lords did not preſume to adviſe his Majeſty, becauſe he himſelf did, ſuddenly, propound ſuch a Courſe, as the World could not adviſe a better; which was, to ſpeak with the Chancellor privately.'

'That Yeſterday his Majeſty admitted the Lord Chancellor to his Preſence. His Lordſhip deſired that he might have a Particular of thoſe Matters, wherewith he was charged before the Lords of this

(g) The Proceedings againſt *Francis* Lord *Bacon*, Lord Chancellor, for Bribery and Corruption, in the *State Trials*, is no other than a ſummary Extract from the *Journals*, relating to that Matter; and was printed, in a Sixpenny Pamphlet, about the Time of the late Earl of *Macclesfield's* Trial.

An. 19 James I. 1621. House: For it was not possible for him, who passed so many Orders and Decrees in a Year, to remember all Things which fell out in them; and that, this being granted, his Lordship would make two Requests to his Majesty.'

'*First*, That when his Answers should be fair and clear to those Things objected against him, his Lordship might stand upon his Innocency.

'*Next*, That where his Answers should not be so fair and clear, then his Lordship might be admitted to an Extenuation of the Charge: And where the Proofs were full and undeniable, his Lordship would ingenuously confess them, and put himself upon the Mercy of the Lords.'

Unto all which his Majesty answered, 'That he would refer him to the Lords of this House; and therefore his Majesty desired that he, the Lord Chamberlain, would make Report thereof to them.'

It was thereupon ordered, That the Lord Treasurer should acquaint his Majesty with their thankful Acknowledgment for this his Favour, and that they held themselves highly bound to his Majesty for it.

Seventeen more Witnesses sworn in the Cause against the Lord Chancellor; and it was agreed, That the Lords of the Committees should prepare an Examination for him.

The Lord Admiral, *Buckingham*, in a Speech made to the Lords this Day, protested to them, 'That whereas it was the Opinion of the World he had sent his Brother, Sir *Edward Villiers*, abroad, in the King's Service, on purpose to avoid his Trial, touching some Grievances complained of by the Commons: His Lordship was so far from it, that he had sent to hasten his coming home; and if any thing blame-worthy could be objected against him, his Lordship was as ready to censure him as he was *Mompesson*. He desired that the Consideration of his Brother's Affair might be expedited; for, altho' he was a Member of the Lower House, his Lordship advised him not to go there till he had

And Sir Edward Villiers.

cleared

cleared himſelf here. *Laſtly*, His Lordſhip requeſted, that the ſaid Sir *Edward Villiers* might come to his Accuſation, for ſo he ſhould gain the greater Honour; his Lordſhip not doubting but that he could well clear himſelf from it.' An. 19 James I. 1621.

On this, ſeveral Lords ſtood up, and declared their Opinion, 'That Sir *Edward Villiers* might go to the Lower Houſe: That the ſaid Sir *Edward* is only named *obiter*, or, according to the *French* Phraſe, *en paſſant*, in the Accuſation againſt *Mompeſſin* and others; but, as yet, he was not accuſed of any particular Offence by him committed.'

The Serjeant at Arms, attending the Houſe, by Warrant, was ordered to go to the Fleet, and bring *Matthias Fowlis* to the Bar by Nine the next Morning. Alſo, That the Lord Chief Juſtice ſhould grant a ſpecial Warrant to the Lieutenant of the *Tower*, to bring Sir *Henry Yelverton* (*b*) and Sir *Francis Mitchel* before their Lordſhips at the ſame Time.

April 18. The Lord Treaſurer acquainted the Houſe, That, by their Lordſhips Appointment, he had preſented to his Majeſty their humble Thanks, for his gracious Reſpect ſhewn to that Houſe in the Meſſage touching the Lord Chancellor. That his Majeſty anſwered, 'Their good Acceptation of it was as pleaſing to him, as his Meſſage could be to the Lords.' And ſaid further, 'That in this Acceſs of Parliament, tho' it was no new Seſſion, yet his Majeſty had Occaſion to ſay ſomewhat to the Lords; and therefore his Pleaſure was, that the whole Houſe ſhould wait upon him, at *Whitehall* on *Friday* next, in the Afternoon.' The Lord Chamberlain ſignified, That Orders were given, by his Majeſty, for the Lower Houſe to attend there alſo.

The Houſe adjourned themſelves into a Committee, to debate and ſettle in what Manner to proceed againſt Sir *Henry Yelverton*; and, being agreed, the Chief Juſtice reſumed his place. Sir

(*b*) Then Attorney-General to the King.

An. 19 James I. 1621.

Henry was then brought to the Bar; where, kneeling till he was bid to riſe, the Chief Juſtice read the Charge againſt him; unto which Sir *Henry* made the following particular Anſwers.

Articles of the Charge againſt Sir Henry Yelverton with his Anſwers.

Charge I. 'That he committed divers Perſons for refuſing to enter into Bonds to reſtrain their own Trade, *&c.* before he had any Authority to require any ſuch Bonds.'

Reſponſe. 'He confeſſed that he committed divers to Priſon, and juſtified the ſame. That he committed none to reſtrain them of their Trades, but for their Stubborneſs in not obeying the King's Commands; which he did to advance the lawful Profit of his Maſter; and that he had Authority to do it.'

II. 'That he firſt ſigned and directed the Warrants, dormant, having no Authority for the ſame, and yet containing many unwarrantable Clauſes.'

Reſp. 'He drew one, and firſt ſigned it; but no Clauſe unwarrantable was in that, and he juſtified it: For the others, he neither denieth nor confeſſeth; he remembers not whether he drew them or no.'

III. 'That he adviſed the Patent of Gold and Silver-Thread to be reſumed into the King's Hands, conceiving the ſame to be a Monopoly; and adviſed the Patentees to proceed by Contract with the King.'

Reſp. 'He adviſed not this alone; he was the weakeſt amongſt many that adviſed the Contract; he denied that he conceived it to be a Monopoly, and doubts not but to prove it to be no Monopoly; he denied that he confeſſed any ſuch Thing to the Commons; he denied his Advice to the Contract to colour a Monopoly; he did it in Duty to the King.'

IV. 'He procured a Proclamation to take Bonds, and ſigned a Docquet, ſhewing his adviſing with the Recorder of *London* and the City thereupon; whereas the Recorder was not acquainted with it.'

Reſp. 'He utterly denied he made any ſuch Docquet; he did ſign one, and he did acquaint the Lord

Lord Chancellor and Recorder of *London* with it, and desired the Recorder to acquaint the City; but denied that the Docquet is that he had acquainted the City with.' An. 19 James I. 1622.

V. 'That 3401 *Quo Warranto's*, to the Vexetion of the People, were brought by him, touching the Patent of Inns, and but two came to Trial.'

Resp. 'He cannot particularly answer this: If it appear upon Record that there be so many signed by him, he confesses it; but, till then, he humbly desires to be retained in their Lordships Favour. Adding, That if ever he deserved well of his Majesty, it was in this; that the King and Subject were more abused by that Patent than by any other; and, as he takes it, he suffers, at this Day, for that Patent.'

VI. 'That he commenced divers Suits in the Exchequer, touching Gold and Silver-Thread; but did not prosecute the same.'

Resp. 'It may be he did.'

These Answers and Confessions being read, the said Sir *Henry Yelverton* having Leave to speak, said,

His Defence.

'That he thought himself happy in these Mists of his Majesty's Disfavour, that he was pleased to cast that Grace upon him, as to send him to this Honourable House: That Innocency had her present Answer; Wisdom required Time. Therefore he made his most humble Suit to have a Particular of his Charge in Writing, and Time to answer the same; that he might have Leave to repair to his Chambers, at *Gray's-Inn*, and to his House, to search his Papers; for that the Matters, objected against him, did look into his Actions for four, five, and seven Years of his serving his Majesty.'

Sir *Henry* being withdrawn, and the House having taken this into Consideration, he was brought to the Bar again; when the Chief Justice told him, that he should have a Copy of the Charge objected against him; and Leave, under the Lieutenant's Charge, to go to his House and Chambers to view his Papers; and to have Time, until *Saturday*

An. 19 James I. 1621.

turday come Se'nnight, to make his further Anſwer; which was more than his own Requeſt. And an Order of the Houſe was made for it accordingly.

April 19. Some Debate aroſe about the Inconveniences and Exceptions ariſing from the Informer's Bill. Afterwards the Earls of *Arundell*, *Huntingdon*, and *Southampton*, the Chiefs of the three Committees appointed to enquire into the Lord Chancellor's Affair, delivered in their ſeveral Informations and Examinations taken in it. Many of theſe were read, ſeveral original Letters produced, and other Evidences, too long and too confuſed for our Inſertion; but are what took up moſt or all of the Buſineſs of this Day. Adjourned to the 24th.

April 24. The Lords met in their Robes, expecting the Coming of the King, who ſoon after appeared in State; and, being ſeated on the Throne, made a Speech to them to this Effect:

The King's Speech to the Lords.

He firſt made a ſhort Repetition of the Speech, uſed by him, to the Lords and Commons on their Acceſs unto him, on *Friday* laſt, *viz.* 'That, at 'that Time, he made a Recantation unto them of 'his former Determination not to uſe any Speeches 'unto them, but thoſe uſual at the Beginning or 'Ending of a Parliament. But that the Houſe of 'Commons did behave ſo worthily unto him, that 'he was reſolved to ſpeak oftner unto them, hereafter, as Occaſion ſhall require. His Majeſty 'did put them in Mind of the Occaſions of calling this Parliament, which were theſe:

'To relieve his Wants, he having received no '*Subſidies* theſe many Years: And for Relief of 'the torn Eſtate of *Chriſtendom*,

'To make good Laws.

'To hear and redreſs Grievances, which cannot 'come to a King's Ear better than by Parliament.

'For the firſt, his Majeſty told them that he 'had more Cauſe to give his Subjects Thanks, for 'the two Subſidies granted to him this Parliament, 'than any King ever had; both, for that the 'ſame

'same was granted in the Beginning of the Parliament, and for the Title of the Grant. An. 19 James I. 1621.

'That his Majesty had taken up, upon Trust before-hand, the Sums granted him by the said *Subsidies*; as well for the Defence of the *Palatinate*, as for the Maintenance of his Son-in-Law and his Daughter, and their Children, and of the Dowager also; who are all expelled out of their Country, as also, for Preparation of Arms for Recovery thereof.

'That his Majesty had procured a short Truce, and did hope to get a general Peace, and thereby to settle them in their Country again; but was to be at great Charges to send Embassadors, all over *Christendom*, for the effecting thereof; and if this Peace could not be obtained, then his Majesty would send his Armies to recover the same. The great Charges of either of these could not be supplied, but by more *Subsidies*.

'And, whereas some say, Subsidies may be granted at the next Session; lest, when the same are given, his Majesty might dissolve the Parliament with this Session, within which Time the important Business now intended cannot be finished: His Majesty protested before God, that whether there be any more *Subsidies* granted, or not, he intends not to dissolve this Parliament, till the Matters in Agitation be finished.

'As to the Making of good Laws, his Majesty, at his first Coming to the Crown, commanded a Collection to be made of all Penal Statutes, which Books he heard were now finished, and he was glad of it. The said Penal Laws, some intricate, some obsolete, being the Ground-work of all Informers; and, amongst other good Laws to be made, his Majesty, especially, recommended a Reformation of Abuses by Informers, and that they be punished.

'As to Complaints of Grievances, his Majesty commended those for public Grievances; protesting, that he would prefer no Person, whatsoever, before the public Good.'

His

An. 19 James I. 1621.

His Majesty was also pleased, 'To put the Lords 'in Mind of their ancient Orders of this House, 'in hearing Complaints, in the Examinations of 'them, and their Manner to give Judgment there-'upon. But advised them, the Time being pre-'cious, to entertain nothing which was not ma-'terial and weighty.' He was pleased to say, fur-ther, 'That he was now come to speak somewhat 'particular unto the Lords of this House in regard 'to himself; and told them, That, as all Libels 'against himself are generally punished, so a Libel 'against his Majesty, in open Parliament, must 'not escape.

'And whereas many Complaints are already 'made against Courts of Judicature, which are in 'Examination, and are to be proceeded on by the 'Lords, his Majesty would add some, which he 'thinks fit also to be complained of and redressed; 'which are, That no Orders be made but in pub-'lic Courts and not in Chambers: That excessive 'Fees be taken away: That no Bribery, nor 'Money, be given for the hearing of any Cause. 'These, and many other Things his Majesty 'thought fit to be done this Session; and added, 'That when he had done this, and all that he can 'do for the Good of his Subjects, he confessed he 'had but done the Duty whereunto he was born.

'That Sir *Henry Yelverton*, being the other Day 'at the Bar, did infer, That all the Punishment 'upon him was for his good Service done to his 'Majesty.

'The King said, That it seemed strange to him, 'that Sir *Henry* should be examined upon any 'thing, save the Patent of Gold and Silver-'Thread; for his Majesty did not conceive that 'any Matter was complained of against him relat-'ing to Inns and Hosteries, whereof he was here, 'also, examined. That, as to this Patent, *Mom-'pesson* made Complaint to his Majesty, that Sir 'Henry refused to send any Process of *Quo War-'ranto* against a Multitude of Innkeepers; and his 'Majesty accepted of Sir *Henry's* modest Answer

'to

'to this, That he misliked these Proceedings against his Subjects. But, afterwards, his Majesty understood, That *Mompesson* agreeing that Sir *Henry Yelverton* should receive the Fees due unto him for the said Process, Sir *Henry* yielded thereunto, and *Mompesson* made no more Complaints thereof. An. 19 James I. 1621.

'His Majesty, to clear himself, did lay open to the Lords the many former just Dislikes, which he had against this Offender, Sir *Henry*, before he questioned him; and said the first Dislike he found in him was, That his Majesty referring a Pardon of petty Theft, to be considered of by him and the then Solicitor; he alone, took it into his Consideration, and signed a Pardon for Murder also.

'That Sir *Henry* passed at one Time four Patents for his Majesty to grant, which the Lord Chancellor stayed at the Seal, the same being found to be very inconvenient. Hereupon his Majesty intended to have remov'd him, but, by Way of Preferment; and finding, at that Time, a Judge's Place void, he thought to have bestowed that upon him. But, because, he had not any Precedent that the King's Attorney-General was ever removed to any other Place than that of a Chief Judge, his Majesty did then forbear, expecting some other Place for him.

'That his Majesty hearing of the Charter of the City of *London*, lately renewed, containing many new excessive Grants; altho' Sir *Henry* then exceeded his Majesty's Warrant, yet, his Majesty was pleased, at the first, to tell him gently and privately of it; when the said Sir *Henry*, with many Deprecations, denied absolutely, that any new Liberties were contained in the said Grant; and desired to kiss his Majesty's Hand on that Condition, which he did. Afterwards, when his Majesty intended to question the said Sir *Henry* for the same, the Lord Admiral besought his Majesty not to think of any private Wrongs done to his Lordship, in the Exa-

'mination

An. 19 James I. 1621.

'mination of this Buſineſs, touching the Charter 'of *London*. That Sir *Henry*, at the firſt, juſti-'fied himſelf by his Majeſty's Warrant, that by 'it he might have given away all *London* from 'him; yet, at laſt, he made a good Submiſſion, 'in the Beginning; but, in the End, he ſaid, he 'had not wronged his Majeſty's Prerogative.

'His Majeſty ſhewed how gentle the Proceed-'ings were againſt Sir *Henry*, by him and the 'Lords in the *Star-Chamber*. But ſince that, now 'he taxes his Majeſty that he ſuffers for good Ser-'vice done to him, his Majeſty requires the Lords, 'who are able to do him Juſtice, to puniſh the 'ſaid Sir *Henry Yelverton* for his Slander.'

When his Majeſty had ended his Speech, and was departed from the Houſe, the Lords received a Meſſage from the Commons, accompanied with ſix Bills of a public Nature, and one private Bill. But, as an Abſtract of the moſt particular Acts, which were paſſed this Parliament, will fall better at the Time when the Royal Aſſent was given to them, we ſhall poſtpone them to that Period.

The Meſſage which was delivered at the ſame Time, was to this Effect: Firſt,

Complaint againſt Sir John Bennet, who had been expelled by the Commons for Bribery, &c.

'That the Commons deſire a Re-conference on the Bill againſt Informers. Next, That they had received Complaints of divers exorbitant Oppreſſions and Bribery, committed by Sir *John Bennet*, Knt. late a Member of their Houſe (*i*), but now expelled by them for the ſame; that they deſire a Conference alſo about him. Agreed to be at four this Afternoon, in the *Painted-Chamber*. It was ordered, by general Conſent of the whole Houſe, 'That his Royal Highneſs the Prince ſhould be one of all Committees, if his Highneſs ſo pleaſe to be.'

Poſt Meridiem. His Royal Highneſs ſignified to the Lords, That the Lord Chancellor had ſent a *Submiſſion* unto their Lordſhips, which was preſently read, *in hæc Verba.*

To

(*i*) Member for *Ripon*, in *Yorkſhire*.

To the Right Honourable the Lords of the Parliament in the Upper House assembled. An. 19 James I. 1621.

The HUMBLE SUBMISSION and SUPPLICATION of the LORD CHANCELLOR.

May it please your Lordships,

Lord Bacon's Submission to the Lords.

I Shall humbly crave at your Hands a benign Interpretation of that which I shall now write: For Words that come from wasted Spirits, and oppressed Minds, are more safe in being deposited to a noble Construction, than being circled with any reserved Caution.

This being moved (and, as I hope, obtained of your Lordships) as a Protection to all that I shall say, I shall go on; but with a very strange Entrance, as may seem to your Lordships, at first: For, in the midst of a State of as great Affliction as, I think, a mortal Man can endure; (Honour being above Life) I shall begin with the professing of Gladness in some Things.

The first is, That hereafter the Greatness of a Judge, or Magistrate, shall be no Sanctuary or Protection to him against Guiltiness, which is the Beginning of a golden Work.

The next, That after this Example, it is like that Judges will fly from any thing in the Likeness of Corruption (though it were at a great Distance) as from a Serpent; which tends to the purging of the Courts of Justice, and reducing them to their true Honour and Splendor. And in these two Points, (God is my Witness) though it be my Fortune to be the Anvil upon which these two Effects are broken and wrought, I take no small Comfort. But to pass from the Motions of my Heart (whereof God is my Judge) to the Merits of my Cause, whereof your Lordships are Judges, under God and his Lieutenant; I do understand there hath been heretofore expected from me some Justification, and therefore I have chosen one only Justification, instead of all others, out of the Justification of Job. *For after the clear Submission and Confession which I shall now make unto your Lordships,*

An. 19 James I. 1621.

ſhips, I hope I may ſay, and juſtify with Job *in theſe Words*, I have not hid my Sin, as did *Adam*, nor concealed my Faults in my Boſom. *This is the only Juſtification which I will uſe.*

It reſts therefore, that without Fig-leaves I do ingenuouſly confeſs and acknowledge, that having underſtood the Particulars of the Charge, not formally from the Houſe, but enough to inform my Conſcience and Memory: I find Matter ſufficient and full, both to move me to deſert my Defence, and to move your Lordſhips to condemn and cenſure me. Neither will I trouble your Lordſhips by ſingling thoſe Particulars which I think might fall off. Quid te exempta juvat ſpinis de millibus una? *Neither will I prompt your Lordſhips to obſerve upon the Proofs where they come not home, or the Scruple touching the Credits of the Witneſſes. Neither will I repreſent unto your Lordſhips, how far a Defence might, in divers Things, extenuate the Offence, in reſpect of the Time and Manner of the Guilt, or the like Circumſtances; but only leave theſe Things to ſpring out of your own more noble Thoughts and Obſervations of the Evidence, and Examinations themſelves; and charitably to wind about the Particulars of the Charge, here and there, as God ſhall put into your Minds, and to ſubmit myſelf wholly to your Piety and Grace.*

And now I have ſpoken to your Lordſhips as Judges, I ſhall ſay a few Words unto you as Peers and Prelates, humbly commending my Cauſe to your noble Minds and magnanimous Affections.

Your Lordſhips are not ſimply Judges, but Parliamentary Judges; you have a farther Extent of Arbitrary Power than other Courts; and if you be not tied by ordinary Courſe of Courts, or Precedents, in Points of Strictneſs and Severity, much leſs in Points of Mercy and Mitigation: And yet if any thing, which I ſhall move, might be contrary to your honourable and worthy End, (the introducing a Reformation) I ſhould not ſeek it. But herein I beſeech your Lordſhips to give me leave to tell you a Story.

Titus Manlius *took his Son's Life, for giving Battle againſt the Prohibition of his General: Not many*

Years after, the like Severity was purſued by Papirius Curſor, *the Dictator, againſt* Quintus Maximus; *who being upon the Point to be ſentenced, was, by the Interceſſion of ſome particular Perſons of the Senate, ſpared: Whereupon* Livy *maketh this grave and gracious Obſervation*; Neque minus firmata eſt diſciplina militaris periculo *Quinti Maximi*, quam miſerabili ſupplicio *Titi Manlii*. *The Diſcipline of War was no leſs eſtabliſhed by the Queſtioning of* Quintus Maximus, *than by the Puniſhment of* Titus Manlius. *And the ſame Reaſon is in the Reformation of Juſtice; for the Queſtioning of Men in eminent Places, hath the ſame Terror, though not the ſame Rigour, with the Puniſhment. But my Cauſe ſtays not there; for my humble Deſire is, That his Majeſty would take the Seal into his Hands; which is a great Downfall, and may ſerve, I hope, in itſelf, for an Expiation of my Faults.* An. 19 James I. 1621.

Therefore, if Mercy and Mitigation be in your Lordſhips Power, and no Ways croſs your Ends, why ſhould I not hope of your Favour and Commiſeration? Your Lordſhips will be pleaſed to behold your chief Pattern, the King our Sovereign, a King of incomparable Clemency, and whoſe Heart is inſcrutable for Wiſdom and Goodneſs; and your Lordſhips will remember, there ſat not, theſe Hundred Years before, a Prince in your Houſe; and never ſuch a Prince, whoſe Preſence deſerveth to be made memorable by Records, and Acts mix'd of Mercy and Juſtice. Yourſelves are either Nobles, (and Compaſſion ever beateth in the Veins of noble Blood) or Reverend Prelates, who are the Servants of him that would not break the bruiſed Reed, not quench the ſmoaking Flax. *You all ſit upon a high Stage, and therefore cannot but be ſenſible of the Changes of human Conditions, and of the Fall of many from high Places.*

Neither will your Lordſhips forget, that there are Vitia Temporis, *as well as* Vitia Hominis; *and the Beginning of Reformation hath the contrary Power to the Pool of* Betheſda; *for that had Strength to cure him only that was firſt caſt in, and this hath Strength*

An. 19 James I. 1621. *to hurt him only that is first cast in; and, for my Part, I wish it may stay there, and go no farther.*

Lastly, *I assure myself, your Lordships have a noble Feeling of me, as a Member of your own Body; and one that, in this very Session, had some Taste of your loving Affections, which, I hope, was not a Lightning before the Death of them, but rather a Spark of that Grace, which now in the Conclusion will more appear: And therefore my humble Suit to your Lordships is, That my penitent Submission may be my Sentence; the Loss of my Seal my Punishment; and that your Lordships would recommend me to his Majesty's Grace and Pardon for all that is past.* God's Holy Spirit be among you.

April 22, 1621.

Your Lordships

Humble Servant,

and Suppliant,

FRAN. ST. ALBAN, Canc.

This Submission being read by the Clerk, and afterwards repeated by the Lord Chief Justice, the House adjourned, *ad Libitum*, for the better debating, Whether the said Submission was a sufficient Confession for the Lords to ground their Censure on? Their Lordships being all agreed, That the Lord Chancellor's Submission was not satisfactory, for that his Confession therein was not fully nor particularly set down; but did, in some Sort, extenuate it, and seemed to prescribe the Sentence to be given against him by the House: It was resolved, That the Lord Chancellor should be charged with the Briberies and Corruptions complained of against him, and that he should make a particular Answer thereunto. But, whether the Chancellor should be brought to the Bar to hear the Charge; or, that Respect being had to his Person, as having yet the King's Great Seal, the Charge shall be sent to him in Writing, was much debated. And, being put to the Question, it was carried for the latter.

It

It was then ordered, That Mr. Baron *Denham* and Mr. Attorney-General (*k*) ſhould be ſent to the Chancellor with this Meſſage, 'That his Confeſſion was not fully ſet down in the ſaid Submiſſion, for three Cauſes:' An. 19 James I. 1621. Which the Lords reſolve to be unſatisfactory.

'1. His Lordſhip confeſſeth not any particular Bribe nor Corruption.'

'2. Nor ſheweth how his Lordſhip heard of the Charge thereof.'

'3. The Confeſſion, ſuch as it is, is afterwards extenuated in the ſaid Submiſſion; and therefore the Lords have ſent him a Particular of the Charge, and do expect his Anſwer with all convenient Expedition.'

CORRUPTIONS *charged on the* Lord Chancellor *with the* PROOFS *thereof.*

I. IN the Cauſe between Sir *Rowland Egerton*, Knt. and *Edward Egerton*, Eſq; the Lord Chancellor received 500*l.* on the Part of Sir *Rowland*, before he decreed the ſame. Proved by the Depoſition of Sir *Rowland Egerton*, and *John Brook*, who provided the Money, and payed it to the Chancellor's Agent. *Bevis Thelwell* depoſes he delivered 200*l.* to the Lord Chancellor he received from *Edward Egerton*, in the ſame Cauſe. And 400*l.* more. Proved by the Depoſitions of Sir *Richard Young* and Sir *George Haſtings*, *Ralph Merefill*, and *Triſtram Woodward*. Articles of the Charge againſt him.

II. In the Cauſe between *Hody* and *Hody*, he received a Dozen of Buttons of the Value of 50*l.* a Forthnight after the Cauſe was ended. Proved by the Depoſitions of Sir *Thomas Perient* and *John Churchill*; who ſpeaks of greater Value by the Report of *Hody*.

III. In the Cauſe between the Lady *Wharton* and the Coheirs of Sir *Francis Willoughby*, he received of the Lady 310*l.* Proved by the Depoſitions of the Lady *Wharton*, *Richard Keeling*, and *Anthony Gardner*.

(*k*) Sir *Thomas Coventry*, ſo appointed upon the Removal of Sir *Henry Yelverton*.

An. 19 James I. 1621.

IV. In Sir *Thomas Monk's* Cauſe, he received of Sir *Thomas*, by the Hands of Sir *Henry Holmes*, 100*l.* but this was nine Months after the Suit was ended. Proved by the Depoſition of Sir *Henry Holmes*.

V. In the Cauſe between Sir *John Trevor* and *Aſcue*, he receiv'd of the ſaid Sir *John* 100*l.* Proved by the Depoſition of *Richard Keeling*.

VI. In the Cauſe between *Holman* and *Young*, he received of *Young* 100*l.* after the Decree made for him. Proved by the aforeſaid *Richard Keeling*.

VII. In the Cauſe between *Fiſher* and *Wrenham*, after the Decree was paſt, he received of *Fiſher* a Suit of Hangings worth 160*l.* and better; which *Fiſher* gave by Advice of Mr. *Duke*. Proved by the Depoſition of Sir *Edward Fiſher*.

VIII. In one *Kenneday's* Cauſe he had of him a rich Cabinet worth 800*l.* Proved by the Depoſition of *James Kenneday*.

IX. He borrowed of one *Valore* 1000*l* upon his own Bond, at one Time; and the like Sum at another Time, on his own Note, indorſed by *Hunt*, his Servant. Proved by the Depoſition of *Peter Valore*.

X. He received from *Richard Scot* 200*l.* after his Cauſe was ended, but upon a precedent Promiſe; likewiſe, he had in the ſame Cauſe 100*l.* for Sir *John Lenthal's* Part. Proved by the Depoſitions of *Richard Scot* and *Edward Sherborne*.

XI. In a Cauſe between *Wroth* and Sir *Arthur Manwaring*, he had of the former 100*l.* Proved by *John Churchill* and *John Hunt*.

XII. Sir *Ralph Hansby*, having a Cauſe depending before the Chancellor, he had of him 500*l.* Proved by the Depoſitions of * * * * * *

XIII. *William Counton* had an Extent granted him for a Debt of 1200*l.* the Lord Chancellor ſtayed it and wrote his Letter; on which Part of the Debt was paid preſently, and Part at a future Day. The Lord Chancellor hereupon ſends to borrow 500*l.* and, becauſe *Counton* was to pay to one *Huxley* 400*l.* his Lordſhip requir'd *Huxley* to forbear it for ſix Months, and thereupon obtains the

Money

Money from *Counton*. The Money being unpaid, Suit grows between *Huxley* and *Counton*, in Chancery; where his Lordſhip decreed *Counton* to pay *Huxley* the Debt, with Damages and Coſts, when the Money was in his own Hands. Proved by the Depoſition of *William Counton*. An. 19 James 1. 1621.

XIV. In the Cauſe between Sir *William Brunker* and *Aubrey*, the Chancellor received from *Aubrey* 100*l.* Proved by the Depoſitions of *Chriſtopher Aubrey*, Sir *George Haſtings*, and the Letters from *Aubrey* to the Lord Chancellor.

XV. In Lord *Montagu's* Cauſe, he received from that Lord 6 or 700*l.* and more was to be paid at the End of the Cauſe. Proved by *Bevis Thelwell*.

XVI. In Mr. *Dunch's* Cauſe, he received from him 200*l.* Proved by *Thelwell*.

XVII. In a Cauſe between *Reynel* and *Peacock*, the Lord Chancellor received from *Reynel* 200*l.* and a Diamond Ring worth 5 or 600*l.* Proved by the Depoſitions of *John Hunt* and Sir *John Reynel*. He took of *Peacock* alſo 100*l.* and borrowed 1000*l.* without Security, Intereſt, or Time of Repayment. Proved by *William Peacock* and *James Rolfe*.

XVIII. In the Cauſe between *Smithwick* and *Wyche*, he received from the former 200*l.* which was repaid. Proved by *John Hunt*.

XIX. In Sir *Henry Ruſſel's* Cauſe, he received Money from him; but it is not certain how much. Proved by *Hunt*.

XX. In the Cauſe of Mr. *Barker*, the Chancellor received of the ſaid *Barker* 700*l.* Proved by the Depoſitions of *Robert Barker* and *Edward Sherborne*.

XXI. There being a Reference from his Majeſty to his Lordſhip, for a Buſineſs between the Grocers and Apothecaries of *London*, he received of the Grocers 200*l.* Proved by the Depoſitions of Sir *Thomas Middleton*, Alderman *Johnſon*, and *John Banbury*. And he received, in the ſame Cauſe of the Apothecaries, who oppoſed the Grocers, a Taſter of Gold worth 40 or 50*l.* toge-

An. 19 James I. 1621. ther with a Preſent of Ambergreaſe. Proved by Sir *Thomas Middleton* and *Samuel Jones*. Alſo, of the new Company of Apothecaries, in the ſame Cauſe 100*l.* Proved by *John Keilet* and *Gabriel Sheriffe*.

XXII. He took of the *French* Merchants 1000*l.* to conſtrain the Vintners of *London* to take from them 1500 Tuns of Wine. Proved by the Depoſitions of *Robert Bell*, *William Spright*, and *Richard Peacock*. To accompliſh this Buſineſs he uſed very indirect Means, by Colour of his Office and Authority, without Bill or Suit depending; terrifying the Vintners by Threats and Impriſonments of their Perſons, to buy Wines, for which they had no Uſe nor Need, at higher Rates than they were at that Time vendible. Proved by the Depoſitions of *John Child*, *Henry Aſhton*, *Thomas Heſſelfoote*, *Ralph Moor*, *Thomas Knight*, and the Chancellor's own Letters and Orders.

XXIII. The Lord Chancellor hath alſo given way to great Exactions by his Servants, both in reſpect of private Seals, and likewiſe for ſealing of Injunctions, with other Things. Proved by *Thomas Manwood* and *Richard Keeling*.

Poſt Meridiem. Mr. Baron *Denham* and the Attorney-General reported, That they did Yeſterday, according to the Direction of the Houſe, deliver unto the Lord Chancellor, the Charge of his Corruptions, *&c.* in Writing, and required his Lordſhip's Anſwer; who ſaid he would return one as ſoon as poſſible.

The Lord Chief Juſtice received a Letter from the Lord Chancellor, directed to Sir *James Ley*, Knight, Lord Chief Juſtice of the King's Bench, and ſupplying the Place of Lord Chancellor by Commiſſion; which Letter the Lords would take no Notice of, becauſe it was directed to the Lord Chief Juſtice, and not to the Houſe.

It was moved by the Lord *Southampton*, 'That the Lord Chancellor's Anſwer was not ſatisfactory to their laſt Meſſage; but that he ſhould be required

to

to anſwer directly from his own Mouth.' Upon this a long Debate aroſe, Whether he ſhould be brought to the Bar or no? At laſt another Meſſage was agreed upon to be ſent to this Effect; 'That their Lordſhips, having received a doubtful Anſwer to the Meſſage they ſent to him Yeſterday, they now ſend again to him to know of him, directly and preſently, whether he will make his Confeſſion, or ſtand upon his Defence?' An. 19 James I. 1621.

He is required to give a direct Anſwer.

Anſwer. 'That the Lord Chancellor will make no Manner of Defence to the Charge, but meaneth to acknowledge Corruption; to make a particular Confeſſion to every Point; and, after that, an humble Submiſſion: But he humbly craves Liberty, that where the Charge is more full than he finds the Truth of the Fact, he may make Declaration of the real Truth in ſuch Particulars, the Charge being brief, and not containing all Circumſtances.' The Lords allowed him Time, to *April* the 30th, to ſend ſuch Confeſſion and Submiſſion as he intended to make.

The Lord Treaſurer reported what occurred at the Conference, Yeſterday, with the Commons, touching the Affair of Sir *John Bennet*; the Effect thereof was, 'That the ſaid Sir *John Bennet*, Knt. Judge of the Prerogative Court of *Canterbury*, being directed by Law, both what to do, and what Fees to take, did, contrary to Law, exact great and extreme Fees, with much Bribery. Some Complaints againſt him were opened, with a Requeſt from the Commons that they might ſend up more hereafter, if any came before them.'

Proceedings in the Caſe of Sir John Bennet.

A Petition from Sir *John Bennet* to the Lords was read, humbly ſhewing, 'That he was kept a cloſe Priſoner, under the Cuſtody of the Sheriff of *London*, in his own Houſe, and humbly deſiring to have the Liberty of that, upon good Security.'

Upon a Motion made to the Lords, how far the Petitioner ſhould have this Liberty granted him, it was at laſt agreed and ordered, 'That whereas Sir *John Bennet*, Knight, had preſented a Petition, ſetting forth, that he was kept a cloſe Priſoner, &c.

An. 19 James I. 1621.

their Lordships would permit him the Liberty of his own House, upon this Security, To give into this Court the Names of such sufficient Persons as will be Bail for his forthcoming; who shall be bound in the full Sum of 40,000 *l.* or else he shall be committed to the *Tower*, and have the Liberty thereof.'

April 26. Some Bills were read, and one Breach of Privilege complained of; after which the Collection of Offences committed by Sir *Francis Mitchell*, Copartner with *Mompesson*, with the Proofs thereof, was read, *viz.*

Charge against Sir Francis Mitchell.

I. 'That he received an Annuity of 100 *l. per Annum*, to be continued for five Years, for executing the Commission, touching Gold and Silver-Thread. Proved by the Deed of the Grant thereof from *Richard Dyke*, and Sir *Nicholas Salter*, Knt. to him the said *Mitchell*, dated *May* 27, *A.* 17 *Jac.*

II. 'He and *Henry Tweedy* took upon them the Execution of the first Commission, touching Gold and Silver-Thread, and therein exceeded and abused their Power, by committing divers to Prison before Conviction, and by committing others for refusing to enter into Bonds required by them, and not warranted by the said Commission. Proved by the Depositions of several Persons, committed for refusing to be bound from following their free Trades.'

III. 'That there being a second Commission, touching Gold and Silver-Thread, granted, he alone committed divers to Prison, the Authority being given to two.'

IV. 'That he erected an Office, kept a Court, made Officers and divers unwarrantable Orders, and exacted Bonds for the Observance of the same. Proved by his Books of Orders, and the Bonds themselves, *&c.*'

V. 'That in a Suit between *Foulks* and *Lake*, in the *Star-Chamber*, he took of the latter three *Broad-Pieces* to compound the same. Proved by *Lake*.'

Sir *Francis Mitchell* being called to the Bar, was charged with the said Offences; and he made his

Answers

Anſwers unto them particularly. Some he denied, and others confeſſed; and then having Leave to ſpeak for himſelf, he made a Diſcourſe, 'Commending the firſt Commiſſion of Gold and Silver-Thread; and that he miſliked the ſecond Commiſſion, and would not have medled with it, if he could have avoided it: But *Mompeſſon* told him, weekly, that he had a Command from the King to do thus and thus; and what could he do to withſtand *Mompeſſon*?' And then he was withdrawn. An. 19 James I. 1623. His Defence.

Poſt Meridiem. *Matthias Fowlis* was brought to the Bar, and charged with many heinous Offences, in the Patent of Gold and Silver-Thread, *&c.* by falſe-dying and counterfeiting the ſame; which, having anſwered to, he was ordered again to the Bar the next Morning.

April 27. The Charge againſt *Fowlis* continued, and his Defence; which took up the whole Forenoon. Afterwards the Lords agreed to meet in their Robes, and give Sentence againſt Sir *Francis Mitchell*, in the Afternoon; and *Fowlis* was ordered to attend alſo.

Poſt Meridiem. Some Debate aroſe in the Houſe, Whether Sir *Francis Mitchell* ſhould be examined again, as to ſome Points, before Sentence? It was agreed he ſhould. And, after ſome Queſtions about other Matters, he was particularly examined about Sir *Edward Villers*, *Buckingham's* Brother; who is named alſo by the Commons in their Declaration. He ſaid,

'That he was told, by Hearſay, Sir *Edward Villiers* was with Sir *Henry Yelverton*, about this Buſineſs of the Patent of Gold and Silver-Thread; but knows not for certain of any thing which Sir *Edward* ſaid, or that Sir *Henry* wrote any Letters to the Lord Chancellor, about the Commitment of any Offenders againſt that Patent. He ſaid that Sir *Henry Yelverton* committed three or four Silk-Men, as he hath heard; but he knows not whether Sir *Edward Villiers* was preſent at the Commitment of the Silk-Men, or whether Sir *Edward* did threaten theſe Silk-Men; but adds, he hath heard that

the

An. 19 James I. 1621.

the said Sir *Edward* was accused of it; but he knows not by whom.'

April 28. After some Bills were read, and some other Business of less Moment done, the Lieutenant of the *Tower* was called on to bring in the Body of Sir *Henry Yelverton*, according to an Order of the House the 18th instant. The Lieutenant excused his not bringing the Prisoner, because he was so troubled with the Rheum and Toothach he was not able to speak. The Officer was sworn to this; and besides it was ordered, That the Earls of *Dorset* and *Warwick*, the Bishop of *Bangor*, the Lords *Hunsden*, *Walden*, and *Grey* should be sent to the *Tower* to view the Person of the said Sir *Henry Yelverton*, and examine the Truth of the Excuse delivered by the Lieutenant.

Petition of Sir Henry Yelverton.

In regard that his Majesty, in a late Speech in this House, and said, 'That the Objections of 'the Writs of *Quo Warranto*, in the Business of 'the Inns, against Sir *Henry Yelverton*, was some-'what strange unto him,' it was moved in the House, That the Lords should endeavour to give his Majesty Satisfaction of the Reasons thereof. A Committee was therefore appointed to wait on his Majesty, at such Time as he should be pleased to admit them to his Presence; and to inform him, That the same was particularly objected against Sir *Henry*, in the Declaration of the Complaint of the Lower House to their Lordships; and to shew his Majesty the Number of them that were molested thereby, under the Hands of the Officers of the Crown-Office; and how few were legally proceeded against.

April 30. The *Earl* of *Dorset*, from the Committee appointed to go to inspect Sir *Henry Yelverton* at the *Tower*, reported, 'That they found him in his Bed, much swoln about the Face with the Rheum: That his Answer is ready; and that he hopes to be able, in two or three Days, to make his Appearance at the Bar.'

The Lord Chief Justice acquainted the Lords, that he had received from the Lord Chancellor, a Paper-

Paper-Roll, sealed up; which being opened, was found to be directed to their Lordships, and was read. An. 19 James I. 1621.

To the Rt. Hon. the Lords Spiritual and Temporal in the High Court of Parliament assembled.

The CONFESSION and HUMBLE SUBMISSION of me the LORD CHANCELLOR.

The Lord Chancellor Bacon's Confession of the Charge against him.

UPON advised Consideration of the Charge, descending into my own Conscience, and calling my Memory to account as far as I am able, I do plainly and ingenuously confess, that I am guilty of Corruption, and do renounce all Defence, and put myself on the Grace and Mercy of your Lordships.

The Particulars I confess and declare to be as follows:

In this Confession the Chancellor repeats every particular Head of the Charge against him; but as that hath been given at large in the foregoing Pages, it is needless to insert it again here. We shall therefore only give his Answers to each Article, as they are put down in the Charge *seriatim*.

His Answers to each Article thereof.

I. 'To the first Article he confessed, That upon a Reference from his Majesty, of all Suits between Sir *Rowland Egerton* and *Edward Egerton*, both Parties submitted to his Award, by reciprocal Recognizances in 10,000 Marks a-piece: That after divers Hearings, he made his Award with the Advice of Lord *Hobart*; and, some Days after, the Sums mentioned in the Charge were delivered to him from Sir *Rowland*. That, Mr. *Edward Egerton* flying off from the Award, a Suit was begun in Chancery by Sir *Rowland Egerton*, to have the Award confirmed; and a Decree was made thereupon. That soon after his Coming to the Seal, when many presented him, he received the 400*l.* mentioned in this Article, of Mr. *Egerton*; but, as he remembred, it was for Favours past.'

II. 'That

An. 19 James I. 1621.

II. 'That in the Cauſe between *Hody* and *Hody*, about a Fortnight after the Cauſe was ended, there were Gold-Buttons, about the Value of 50*l.* preſented him.'

III. 'That in the Cauſe between the Lady *Wharton*, and the Coheirs of Sir *Francis Willoughby*, he received of the Lady *Wharton* 200*l.* in Gold, and, at another Time, an hundred Pieces, while the Cauſe was depending.'

IV. 'That he received of Sir *Thomas Monk* one hundred Pieces; but it was long after his Suit was ended.'

V. 'That he received of Sir *John Trevor*, as a New-Year's-Gift, 100*l.* but he confeſſed it was while his Cauſe was depending.

VI. 'In the Cauſe between *Holman* and *Young*, he received of *Young* an 100*l.* but it was long after his Cauſe was ended.'

VII. 'That while the Cauſe was depending between *Fiſher* and *Wrenham* (or *Wraynham*) he did receive of Sir *Edward Fiſher*, a Suit of Hangings of the Value of about 160*l.* towards furniſhing his Houſe; and was at the ſame Time preſented by others, who were no Suitors, with Furniture for his Houſe.'

VIII. 'As to the Charge of his receiving a Cabinet, of the Value of 800*l.* of Sir *John Kenneday*; a Cabinet was indeed ſent to his Houſe by Sir *John*, but not of half that Value; but he refuſed to accept it, and was determined to ſend it back again: That one *Pinkney*, who ſtood engaged for the Money to pay for the Cabinet, deſired he might have it; and thereupon Sir *John* entreated his Lordſhip, that he would not diſgrace him by returning the Gift, much leſs put it into a wrong Hand; and that he was ready to return it to whom their Lordſhips ſhould appoint.'

IX. 'He confeſſed he had borrowed 1000*l.* of *Valore*; but looked upon it as a Debt, and was obliged to repay it.'

X. 'He acknowledged his receiving 200*l.* of Mr. *Scot*, about a Forthnight after the Decree

paſſed

passed for him: And that he received 100 *l.* of Sir *John Lenthall*, about a Month after the Decree passed.' An. 19 James I. 1621.

XI. 'That the Cause between *Wroth* and *Manwaring* was ended by his Arbitrement, by Consent of Parties, and he received of Mr. *Wroth*, 100 *l.* about a Month after the Cause was ended.'

XII. 'That he received of Sir *Ralph Hansby*, while his Cause was depending, 500 *l.*

XIII. 'That he did borrow the 500 *l.* mentioned in this Article, of *Counton*; but looked upon it as a Debt which he was obliged to repay.'

'XIV. 'In the Cause between Sir *William Brounker* and *Aubrey*, he did acknowledge his receiving 100 *l.* of *Aubrey*.'

XV. 'He confessed he received Money of the Lord *Montagu*, while his Suit was depending, to the Amount of 6 or 700 *l.*'

XVI. 'He confessed his receiving 200 *l.* of Mr. *Dunch*; but thought it was some Time after the Decree.'

XVII. 'He confessed his receiving 200 *l.* of Sir *George Reynel*, his near Relation, at his first Coming to the Seal, to be bestow'd in Furniture; but thinks this was before any Suit began: And as to the Diamond-Ring he received of him while his Cause was depending, charged to be worth 5 or 600 *l.* it was not of near that Value; though, he confessed, it was too much for a New-Year's-Gift: He also confessed his receiving of 100 *l.* of Mr. *Peacock*, at his Coming to the Seal, as a Present, and that he afterwards borrowed 1000 *l.* of him at twice; for which, he said, he would take no Security or Interest, and gave him his own Time for repaying it.'

XVIII. 'He confessed his Servant *Hunt* did receive 200 *l.* of *Smithwick*; but that he ordered it to be repaid.'

XIX. 'That he did receive of Sir *Henry Russel*, 3 or 400 *l.* about a Month after the Cause was decreed; in which Decree he was assisted by two of the Judges.'

An. 19 James I. 1621.

XX. 'He confeſſed he received of Mr. *Barker* the 700 *l.* mentioned in this Article, ſome Time after the Decree paſſed.'

XXI. 'As to this Article, he confeſſed he received the Sums there mentioned, *viz.* of the Grocers, 200 *l.* of the Apothecaries, that ſtood with the Grocers, a Taſter of Gold, worth 40 or 50 *l.* and a Preſent of Ambergreaſe; and of a new Company of Apothecaries, that ſtood againſt the Grocers, 100 *l.* But this was no judicial Buſineſs, he obſerved, only a Compoſition between the Parties; and he thought, as they all received Benefit by it, and were all three common Purſes, there was no great Matter in receiving what they voluntarily preſented.'

XXII. 'To this Article, in which he is charged with taking of the *French* Merchants, 1000 *l.* to conſtrain the Company of Vintners to take 1500 Tons of their Wine, with threatning and impriſoning the Vintners becauſe they would not take their Wines at higher Prices than they were vendible, he confeſſed, Sir *Thomas Smith* did deal with him in behalf of the *French* Company, informing him, That the Vintners, by Combination, refuſed to take the Wines at any reaſonable Prices, and that this would deſtroy their Trade, which the State was concerned in; and that the Company would gratify him with 1000 *l.* for the Trouble he ſhould take in it. He did, he confeſſed, thereupon endeavour to compromiſe Matters between them, and prevent a Suit, propounding ſuch a Price as the Vintners might gain 6 *l.* a Ton; and the King afterwards recommending the Buſineſs to him, as a Matter that concerned his Cuſtoms, he dealt the more peremptorily in it, and did, for a Day or two, reſtrain ſome of thoſe that were the moſt ſtiff, in a Meſſenger's Hands; and afterwards the Merchants preſented him with a 1000 *l.*

XXIII. 'To this Article, That he had given way to the Exactions of his Servants, in reſpect of private Seals and Injunctions, he confeſſed it to be

be a great Fault, that he had looked no better to his Servants.' An. 19 James I. 1621.

He then concludes thus:

This Declaration I have made unto your Lordships with a ſincere Mind, humbly craving, that if there ſhould be any miſtaking, your Lordſhips would impute it to want of Memory, and not to any Deſire of mine to obſcure Truth, or palliate any thing: For I do confeſs, that in the Points charged againſt me, altho' they ſhould be taken as myſelf have declared them, there is a great deal of Corruption and Neglect; for which I am heartily and penitently ſorry, and ſubmit myſelf to the Judgment, Grace, and Mercy of this Court. For Extenuations I will uſe none concerning the Matters themſelves; only it may pleaſe your Lordſhips, out of your Nobleneſs to caſt your Eyes of Compaſſion upon my Perſon and Eſtate. I never was noted for an avaritious Man, and the Apoſtle ſays, that Covetouſneſs is the Root of all Evil. *I hope alſo that your Lordſhips do rather find me in the State of Grace; for that in all theſe Particulars, there are few or none that are not almoſt two Years old; whereas thoſe that have a Habit of Corruption, do commonly wax worſe and worſe; ſo that it hath pleaſed God to prepare me, by precedent Degrees of Amendment, to my preſent Penitency; and, as for my Eſtate, it is ſo mean and poor, as my Care is now chiefly to ſatisfy my Debts.*

And ſo, fearing I have troubled your Lordſhips too long, I ſhall conclude with an humble Suit unto your Lordſhips, That, if you proceed to ſentence, your Sentence may not be heavy to my Ruin; but gracious and mixed with Mercy; and not only ſo, but that you would be noble Interceſſors for me to his Majeſty likewiſe for his Grace and Favour.

Your Lordſhips

Humble Servant and Suppliant,

FRAN. ST. ALBAN, Canc.

This Confeſſion and Submiſſion being read, a Committee of twelve Lords were appointed to go to the Chancellor, and ſhew him the ſaid Confeſſion,

An. 19 James I. 1621. sion, and tell him that the Lords do conceive it to be an ingenuous and full Confeſſion. To demand of him alſo, Whether it be his own Hand that is ſubſcribed to the ſame, and whether he will ſtand to it or no?

The Committee being return'd, reported, That they had ſhewn the Chancellor the Confeſſion, and delivered the reſt of the Meſſage to him; who anſwered, *My Lords, it is my Act, my Hand, and my Heart, I beſeech your Lordſhips to be merciful to a broken Reed.* Which Report being made, it was agreed by the Houſe to move his Majeſty to ſequeſter the Seals, and to intreat his Highneſs, the Prince, that he would be pleaſed to do this; which his Highneſs readily condeſcended to; and the former Committee of Lords were appointed to attend him.

The Great Seal taken from him. *April* 30, *poſt Meridiem.* His Royal Highneſs made a Report to the Houſe, 'That, according to their Requeſt, he, with the Lords that accompanied him, had moved his Majeſty to ſequeſter the Great Seal from the Lord Chancellor; whereunto his Majeſty moſt willingly yielded, and ſaid he would have done it, if he had not been moved thereto.'

Further Proceedings againſt Sir Henry Yelverton. Sir *Henry Yelverton* was then brought to the Bar; when the Lord Steward inform'd the Houſe, That his Majeſty is ſatisfied concerning the charging Sir *Henry*, in this Houſe, with the Matter of Inns and Hoſteries. Then the Chief Juſtice read the Charge, which was made againſt him on the 18th of *April*, with his Anſwers thereto, and demanded of him, Whether he now would affirm thoſe Anſwers? Unto which he replied, 'That the ſix Charges againſt him may be reduced into two; the one of Gold and Silver-Thread, the other of Inns and Hoſteries. He humbly deſired, therefore, that he might then anſwer to every particular Charge, *in ſerie Temporis.*

May 2. A new Commiſſion from the King was read, conſtituting Sir *James Ley*, Knight, Lord Chief Juſtice of the King's Bench, to ſupply the Office

Office of a Lord Chancellor, or Lord Keeper of the Great Seal, in the House of Lords. An. 19 James I. 1621.

Afterwards the Lord Treasurer acquainted the House, 'That he had his Majesty's Commands to deliver a Message to their Lordships of a double Nature; first, an Account of what was done; and, secondly, a Signification of what was to be done.

As to the first, his Highness had presented their Lordships Request to his Majesty, that he would be pleased, as the Case then stood, to command the Seal from the Lord Chancellor.

Accordingly, Yesterday, his Lordship, the Lord Steward, the Lord Chamberlain, and the Earl of *Arundel*, at the King's Command, went to the Lord Chancellor, and received from him the Great Seal, and deliver'd the same to his Majesty; who, by Commission, hath appointed the keeping of it to him and the other Lords with him.

To the second, his Majesty hath commanded him to signify to their Lordships, 'That he understands Sir *Henry Yelverton*, being called here before them the other Day, as a Delinquent, answered not as such, but as a Judge or Accuser of a Member of this House, the Lord of *Buckingham*. And whereas, in his first Speech, here in this House, he touched the King's Honour; saying, He suffered for the Patents of Inns, or to that Effect, he was so far from extenuating or excusing the Offence, that the last Day he had aggravated the same.'

'Wherefore his Majesty's Pleasure is, that Himself will be the Judge as to what concerns his own Person; and, as to what relates to the Lord of *Buckingham*, since he had besought his Majesty that it might be left to the House, so he leaves it wholly to their Lordships.'

This Message being delivered, the Lords found by it, that the King intended to take the Judgment of Sir *Henry Yelverton* out of their Hands, as touching his own Honour; his Majesty having been misinformed, that the Lords had referred it back to him: Wherefore a Motion was made, That the

An. 19 James I. 1621. House should be humble Suitors to his Majesty, that he would be pleased not to resume this out of their Hands, but give their Lordships Leave to continue Judges thereof. After some Debate, it was resolved, That a Committee of the whole House should attend his Majesty, at his Pleasure; and that the Archbishop of *Canterbury*, in the Name of the whole House, should deliver the following Message to him:

'Whereas it has pleased your Majesty, in a late Speech to this House, to require us to do Justice upon Sir *Henry Yelverton*, in a Matter concerning your own Honour; since which Time some Words have been used in this House, which your Majesty conceives do rather aggravate than extenuate his Fault: Whereupon your Majesty did this Day signify by the Lord Treasurer, *That of what concerns your own Honour, yourself would be the Judge:* The Lords knowing your Majesty's Tenderness of the Privileges of this House, and their own Zeal unto your Majesty's Honour, do humbly beseech your Majesty to alter your Resolution; otherwise, this Change may strike some Fear into us, that we are not held so tender and zealous, in our dutiful Affections, in point of your Majesty's Honour, as we desire you should think us to be, and are most ready to yield due Proofs thereof.'

Agreed to proceed to sentence the Lord Chancellor To-morrow Morning; therefore the Gentleman-Usher, and the Serjeant at Arms, Attendants of this House, were commanded to summon him to appear at the Bar by Nine o'Clock, and that the Serjeant shew him the Mace at the said Summons.

May 3. The Lord Chamberlain reported to the House, That his Majesty had ordered him to acquaint them, That he was pleased a Committee of this House should have Access to him, on the Business of Sir *Henry Yelverton*, on *Sunday* next, *May* 6, at Four in the Afternoon.

The Officers sent to summon the Lord Chancellor being returned, reported to the House, That, according

according to their Lordſhips Appointment, they had waited on him, but found him ſick in Bed: That, notwithſtanding, they delivered their Lordſhips Meſſage to him; who anſwered, 'That he was ſick, and proteſted he feigned not this for an Excuſe; for, if he had been well, he would willingly have come.' An. 19 James I. 1621.

The Lords reſolved, however, to proceed againſt the Lord Chancellor; and, the Attorney-General having read the Charge and Confeſſions, it was put to the Queſtion, 'Whether the Lord Chancellor was guilty of the Matters wherewith he was charged?' Agreed, *Nemine diſſentiente*, 'That he was guilty.' And to the End that the Lords might more freely diſpute and reſolve what Sentence to paſs upon him for his ſaid Offences, the Houſe adjourned *ad libitum*.

After ſome Time, the Lord Chief Juſtice being returned to his Place, put another Queſtion;

'Whether the Lord Viſcount *St. Alban*, Lord Chancellor, ſhall be ſuſpended of all his Titles of Nobility, during his Life or no? It was agreed, *per plures*, 'That he ſhall not be ſuſpended thereof.'

The Sentence being agreed upon againſt the Chancellor, the Lords ſent a Meſſage to the other Houſe, That they were ready to give Judgment againſt the Lord Viſcount *St. Alban*, if they, with their Speaker, came to demand it.

In the mean Time the Lords put on their Robes, and Mr. Speaker being come to the Bar, after making three low Obeyſances, delivered himſelf as follows:

The Knights, Citizens, and Burgeſſes of the Commons Houſe of Parliament, having made Complaint unto your Lordſhips of many exorbitant Offences of Bribery and Corruption committed by the Lord Chancellor, we underſtand that your Lordſhips are ready to give Judgment upon him for the ſame. Wherefore, I, their Speaker, in their Names, do humbly demand Judgment againſt him, the Lord Chancellor, as the Nature of his Offences and Demerits require.

An. 19 James I. 1621. The Lord Chief Juſtice anſwered,

Mr. Speaker,

Upon the Complaint of the Commons againſt the Lord Viſcount St. Alban, *Lord Chancellor, this High Court hath thereby, and by his own Confeſſion, found him guilty of the Crimes and Corruptions complained of by the Commons, and of ſundry other Crimes and Corruptions of like Nature.*

The Judgment againſt the Lord Chancellor Bacon. *Therefore, this High Court, having firſt ſummoned him to attend, and having received his Excuſe of not attending, by reaſon of Infirmities and Sickneſs, which he proteſted was not feigned, or elſe he would moſt willingly have attended; doth, nevertheleſs, think fit to proceed to Judgment. And therefore, this High Court doth adjudge,*

1. *That the Lord Viſcount* St. Alban, *Lord Chancellor of* England, *ſhall undergo Fine and Ranſom of* 40,000 *l.*

2. *That he ſhall be impriſoned in the* Tower, *during the King's Pleaſure.*

3. *That he ſhall, for ever, be incapable of holding any Office, Place, or Employment, in the State or Common-Wealth.*

4. *That he ſhall never ſit in Parliament, nor come within the Verge of the Court.*

Then his Highneſs the Prince was intreated by the Houſe, That, accompanied with divers Lords of this Houſe, he would be pleaſed to preſent this Sentence given againſt the late Lord Chancellor unto his Majeſty; which he readily conſented to.

Thus this truly great Man, the Wonder of the Age he lived in, and of ſucceeding Ages, for natural and acquired Endowments, fell from the Pinnacle of State and Glory, never to riſe again. His Profuſeneſs and Liberality, much more than Covetouſneſs, drew him into Wants, and into thoſe mean Artifices to ſupply them. He ſuffered, however, greatly for his Crimes here; for, though it be allowed that his Sentence was much milder than his Offences deſerved; yet, in ſo noble a Mind, the bare Reflection on what he once was, muſt have been a conſtant Torment to his Soul.

This is best exemplified by his own Words, in a Letter to the King, wrote some Years after, praying his Majesty to release him from the Parliament's Sentence. To do as much Justice as possible to the Story of this great Man, the Letter itself, is thought proper to be added (*l*). An. 19 James I. 1621.

The *Lord* BACON *to the* KING.

Most Gracious and Dread Sovereign,

BEFORE I make my Petition to your Majesty, I make my Prayers to God above, Pectore ab imo, *that if I have ever held any thing so dear as your Majesty's Service, nay, your Heart's Ease and your Honour, I may be repulsed with a Denial. But, if that hath been the Principal with me, that God who knoweth my Heart, would move your Majesty's Royal Heart to take Compassion of me, and to grant my Desire.* His Letter to the King.

I prostrate myself at your Majesty's Feet; I, your ancient Servant, now sixty-four Years in Age, and three Years and five Months old in Misery. I desire not from your Majesty Means, nor Place, nor Employment; but only, after so long a Time of Expiration, a compleat and total Remission of the Sentence of the Upper House, to the End that Blot of Ignominy may be removed from me, and from my Memory with Posterity; that I die not a condemned Man, but may be to your Majesty, as I am to God, nova Creatura. *Your Majesty hath pardoned the like to Sir* John Bennet, *between whose Case and mine, (not being partial to myself, but speaking out of the general Opinion) there was as much Difference, I will not say, as between Black and White, but as between Grey or Ash-coloured. Look down therefore, dear Sovereign, upon me also in Pity. I know your Majesty's Heart is inscrutable for Goodness; and my Lord of* Buckingham *was wont to tell me you was the best natured Man in the World; and it is God's Property that those he hath loved he loveth to the End. Let your Majesty's Grace, in this my De-*

(*l*) *Cabala, or Mysteries of State,* Fol. Ed. p. 62.

An. 19 James I. 1621. *fire, ſtream down upon me, and let it be out of the Fountain and Spring-Head, and* ex mero Motu; *that, living or dying, the Print of the Goodneſs of King* James *may be in my Heart, and his Praiſes in my Mouth. This my moſt humble Requeſt granted, may make me live a Year or two happily; and, denied, will kill me quickly. But yet, the laſt Thing that would die with me, will be the Heart and Affection of*

July 30, 1624. Your Majeſty's
Moſt humble,
and true devoted Servant,
FR. ST. ALBAN.

This Letter had the deſired Effect; for, not long after, the King directed the Attorney-General, *Coventry*, to draw out the Form of his Pardon; and, as this Warrant is alſo ſomewhat particular, it deſerves no leſs Notice than the Petition (*m*).

Truſty and well-beloved, we greet you well.

In conſequence of which he obtains his Pardon. *WHEREAS our right truſty and right well-beloved Couſin, the Viſcount of* St. Alban, *upon a Sentence given in the Upper Houſe of Parliament, full three Years ſince and more, hath endured Loſs of his Place, Impriſonment, and Confinement alſo, for a great Time, which may ſuffice for the Satisfaction of Juſtice and Example to others: We being always graciouſly inclined to temper Mercy with Juſtice, and calling to Mind his former good Services, and how well and profitably he hath ſpent his Time ſince his Troubles, are pleaſed to remove from him that Blot of Ignominy, which yet remaineth upon him, of Incapacity and Diſablement, and to remit him all Penalties whatſoever inflicted by that Sentence; having thereupon pardoned his Fine and releaſed his Confinement: Theſe are therefore to will and require you to prepare for our Signature a Bill containing*

(*m*) *Cabala, or Myſteries of State*, Fol. Ed. p. 249.

containing a Pardon, in due Form of Law, of the whole Sentence; for which, this shall be your sufficient Warrant. An. 19 James I. 1621.

But when the Pardon was made ready, the Lord Keeper, Bishop *Williams*, demurred to the Sealing of it; and, in a Letter to the Duke of *Buckingham*, gave these Reasons for it (*n*):

The Lord Keeper's Objections against Sealing it.

'*First*, That his Majesty and the Duke did conceive that the Lord *St. Alban's* Pardon and Grant of his Fine came both together to his Hands, because he was directed to pass them both together. But his Lordship was too cunning for him: He passed his Fine (whereby he deceived his Creditors) ten Days before he presented his Pardon to the Seal. So as now he found the Parliament-Fine excepted in his Pardon, which, before the Sealing of the same, he had obtained. And, whether the House of Lords would not hold themselves mocked and derided with such an Exception, he left to his Lordship's Judgment; these two Grants being contradictory, in this Point, the one to the other.'

'*Secondly*, The King pardons, in particular Words, all Sums of Money taken for false Judgments and Decrees: And therefore the Exception of the Parliamentary Censure, being inflicted but for the same Cause, coming a good Way after it, was too late in Law; and will be of no Force to satisfy the Lords, since there is a Clause added which was never in any other Pardon.'

'*Thirdly*, The King pardons the Lord *St. Alban* the stealing away, altering, and interlining of his Majesty's Rolls, Records, and Briefs, *&c.* which are of more Consequence, in a Lord Chancellor's Pardon, than the Embezzling of his Majesty's Jewels in a Lord Chamberlain. And yet, the Lord Chancellor *Ellesmere* could not endure that Clause in the Earl of *Somerset's* Pardon, undless the Jewels were particularly named.'

'*Fourthly*, He would not meddle or touch upon those Mistakings which might fall between the

(*n*) *Cabala, or Mysteries of State*, Fol. Ed. p. 263.

An. 19 James I. 1621. King and Parliament, or the Misinterpretations that Enemies might make thereof to the Duke's Prejudice, because he saw the King, in his great Wisdom, did not regard them. He only wished the Pardon had been referred to the Council-Board, and there passed. Concluding, That he had discharged himself of these Scruples, in Respect only to the King's Service and the Duke's Honour, which had made this short Stay to the Pardon. But, whatever his Grace should now direct should be readily put in execution.'

Whether this Pardon was altered, on the Strength of the foregoing Reasons, is not mentioned; but it appears that Lord *Verulam* was not much better for it, in regard to his Fortune. He led a retired Life some few Years more; and died *April* 9th, in the Year 1626, and in the 66th of his Age. Thus much we thought proper to subjoin to the Catastrophy of this great Man's Fate; to whose Memory may be said, as it has been of another's,

——*Thy Works, which ne'er will die, shall be*
An everlasting Monument to Thee.

And Mr. *Pope* gives his Lordship this Character;

If Parts allure thee, think how BACON *shin'd,*
The wisest, brightest, meaneſt of Mankind (o).

But now to our *Journals*:

May 4. After two private Bills were read, a Message was sent to the Lower House to desire them to sit this Afternoon; for that the Lords would have Occasion to send to them on some Business of Importance. Accordingly, we find that the Offences, wherewith Sir *Francis Mitchell* was charged, being ready, and the Question being put, Whether the said Sir *Francis* be guilty of the Offences, or any of them, so charged upon him, that he is worthy to be censured? it was agreed, unanimously, that he was. Then another Message was sent to the Commons, That the Lords were ready to give Judgment against Sir *Francis Mitchell*, for many exorbitant Offences, of which they had found

(o) *Essay on Man.* Ep. iv. l. 281.

found him guilty; if they, with their Speaker, will come to demand it. The Speaker, being come up to the Bar, ſpoke as follows: An. 19 James I. 1621.

Whereas a Complaint, from the Houſe of Commons, hath been exhibited againſt Sir Giles Mompeſſon *and Sir* Francis Mitchell, *for many Offences committed by them againſt the King and Common-Wealth; your Lordſhips have proceeded with* Mompeſſon, *and given Judgment againſt him; and underſtanding that you are ready, alſo, to pronounce Judgment againſt Sir* Francis Mitchell, *I, the Speaker, in the Name of the Knights, Citizens, and Burgeſſes of the Commons Houſe of Parliament, do demand and pray that Judgment may be given againſt the ſaid Sir* Francis Mitchell, *according to his Demerits.*

The Lord Chief Juſtice then pronounced Judgment *in hæc Verba*:

Mr. Speaker,

The Lords Spiritual and Temporal have taken into due Conſideration the great Care and Pains, taken by the Commons, to inform their Lordſhips of the great Complaint, and the Quality and Nature thereof, preſented unto them againſt Sir Francis Mitchell *and others; wherefore their Lordſhips, being well prepared by them to the true Underſtanding of the ſame, have proceeded to the perfect Diſcovery thereof, (by Examination of divers Witneſſes upon Oath) and do find, thereby, the ſaid Sir* Francis Mitchell *clearly guilty of many great Crimes and Offences againſt his Majeſty and the Common-Wealth, and have reſolved, at this Time, to proceed againſt him for the ſame. Therefore the Lords Spiritual and Temporal of this High Court of Parliament do award and adjudge,* The Sentence upon Sir Francis Mitchell.

1. *That the ſaid* Francis Mitchell *ſhall ſtand and be from henceforth degraded of the Order of Knighthood, with Reſervation of the Dignity to his Wife and Children. The Ceremonies of Degradation to be performed by Direction of this Court to the Earl Marſhal's Court.*

2. *That he ſhall be impriſoned during the King's Pleaſure, in the Goal, in* Fiſhbury *Field, in the ſame Chamber*

An. 19 James I. 1621. *Chamber which he provided for others; the* Tower *where he now remains being too worthy for him.*

3. *That he shall undergo a Fine of* 1000*l.*

4. *That he shall be disabled to hold or receive any Office, under the King, or the Common-Wealth.*

Ordered to proceed to take Examinations against Sir *John Bennet* To-morrow Morning.

Wilson writes, 'That this *Mitchell* was a poor sneaking Justice of Peace, that lived amongst the Brothels near *Clerkenwell*; whose Clerk and he lived by Contributions, annual and casual, raised from that Neighbourhood. And, being a very pestiferous Plant in his own Nature, he was brought to Court and knighted; and being corroborated by Letters Patent, he took the Liberty to be more ravenous upon poor People, to the grating of the Bones, and sucking out the very Marrow of their Substance (*p*).

Mr. *Camden* hath left us the Ceremony of this Man's Degradation; in which, according to his Office, he, probably, was an Actor (*q*). 'On the last Day of the Term, says he, at three in the Afternoon, Sir *Francis Mitchell* was brought by the Sheriffs of *London* to *Westminster-hall*. Presently after came the Commissioners for the Office of Earl Marshal, *viz.* the Duke of *Lenox*, the Marquis of *Buckingham*, and the Earl of *Arundell*; with several Barons that were Spectators. Sir *Francis Mitchell* is brought before these, and the Sentence of Parliament against him read, in an audible Voice, by a Pursuivant; his Spurs were hacked in Pieces by the Servants of the Earl Marshal and thrown away. Then the Silver-Sword, which ought to have been gilded, was taken from his Side, broke over his Head and thrown away. Last of all he was pronounced no longer to be a Knight, but a Knave; as was formerly done to *Andrew de Harclay*, when he was degraded in the Time of King *Edward* II.'

It

(*p*) In *Kennet*, Vol. II. p. 731.
(*q*) *Camden's* Annals, in *Kennet*, p. 657.

It may be observed of this *Mitchell*, That there was the *Lex Talionis* passed upon him, by the Sentence of imprisoning him in the same Prison he built for others: Neither was the Sentence, at all, mitigated by the King, for he continued there to the End of his Days. An. 19 James I. 1621.

——————*Nex Lex est justior ulla,*
Quam Necis Artifices Arte perire sua.

May 5. Three and twenty Witnesses were sworn before the Lords, in the Prosecution against Sir *John Bennet*; and several private Bills being read, 'The House was moved to take into Consideration an Act, lately done by the Commons, in convening before them the Person of one *Edward Lloyde*; in examining of Witnesses, giving Judgment upon him, and entering it as an Act of their own. That this Proceeding trenched deep into the Privileges of their House, for that all Judgments do, properly and only, belong unto the Lords. Therefore, it was resolved not to suffer any thing to pass, which might prejudice their Right in this Point of Judicature; and yet, so to proceed, as that the Love and good Correspondency between both Houses might be continued.' Proceedings in the Commons against Edward Lloyde for scandalizing the Princess Palatine.

The Commons had been some Time in examining Witnesses against this *Lloyde*; and, having sufficient Proof of his speaking the Words he was accused of, on the first of *May* proceeded to give Judgment against him. Many Arguments ensued on what Punishment to inflict upon him; and, amongst the rest, Sir *Edwin Sandys* said, 'That the House ought to be well advised, since there was much Difficulty in the Case: That their Sentence would be censured in a great Part of the *Christian* World: That the Root of this Man's Malice was Ill-Affection to Religion, and, consequently, to the State. There were but two eminent Persons, before, *viz.* King *Edward* VI. and Queen *Jane*, who had escaped the virulent Tongues of Opposites in Religion. This Lady *Elizabeth* was the third, who was

An. 19 James I. 1621. was much praiſed by all her Enemies (*r*). That he was for joining with the Lords in this Proceeding; was it not for the great Buſineſs they had, and ſhould ſoon bring before them:—In the Sentence, not to meddle with his Religion, but his Offence in Tongue; for that would make him be canonized: That the Words he had ſpoken were Words of Contempt, not of Slander; therefore to puniſh him with as much Contempt as may be, *&c.*'

On the whole, the Commons agreed on a Sentence, which the Speaker denounced againſt the Offender, kneeling at their Bar; which Sentence was ordered to be entered in their Journals. And, that the Reader may the better underſtand the Buſineſs, we give it in its own Form, as follows:

They paſs Sentence againſt him.

Be it remembered, that, upon Tueſday, *the firſt Day of* May, *in the Year of the Reign of our Sovereign Lord* James, *by the Grace of God, King of* England, &c. *the nineteenth*; Edward Lloyde, *late of* Clannemayne, *within the County of* Salop, *Eſquire, was impeached before the Commons aſſembled in this Parliament, for that the ſaid* Edward, *ſithence the Summons of this Parliament, in the Priſon of the* Fleete, *having Communication concerning the moſt illuſtrious Princeſs the Lady* Elizabeth, *only Daughter of our ſaid Sovereign Lord, and the moſt excellent Prince her Huſband, did uſe and utter, openly and publicly, falſe, malicious, and deſpiteful Speeches, of the ſaid two Princes; ſaying in this Manner, 'I have heard, that* Prague *is taken; and 'Goodman Palſgrave and Goodwife Palſgrave have 'taken their Heels, and run away; and, as I have 'heard, Goodwife Palſgrave is taken Priſoner;' and that thoſe Words were ſpoken by him, in moſt deſpiteful and ſcornful Manner, with a fleering and ſcoffing Countenance, and with a Purpoſe to diſgrace, as much as in him lay, thoſe two Princes; and that at other Times he did, in like deſpiteful and reproachful Manner, uſe other malicious and opprobrious Words*

(*r*) The Princeſs *Palatine*, the King Daughter. But this is further explained in the Sequel, under the Proceedings of the 26th of *May*.

Words of them. Whereupon the said Commons, of their Love and Zeal to our said Sovereign Lord, and not minding to let pass unpunished those Things, that tended to the Disgrace of his Majesty's Issue, a Part of himself, who is Head of the Parliament, did call before them the said Edward Lloyde, *and thereof did question him; and thereupon so far proceeded, that after, upon the same Day, for that the said Matters, whereof the said* Edward *was impeached, were true and notorious, therefore the said Commons, in the Commons House assembled in Parliament, did adjudge and award, that the said* Edward Lloyde *should be returned that Night Prisoner to the* Fleet, *where before he remained in Prison, and to lie that Night in a Place there, called* Bolton's *Ward; and shall, the next Morning, be brought to* Westminster, *into the great Yard before the Door of the great Hall of Pleas, and be there set, and stand, upon the Pillory, from nine until eleven of the Clock, in the Forenoon, with a Paper upon his Hat, with this Inscription, in capital Letters, of these Words; 'For false, 'malicious, and despiteful Speeches, against the King's 'Daughter, and her Husband;' and from thence shall presently ride to the* Exchange *within the City of* London, *upon a Horse, without a Saddle, with his Face backwards towards the Horse's Tail, holding the Tail in his Hand, with the former Paper on his Head; and be there again set, and stand, upon the Pillory, two Hours; and from thence shall ride, in like Manner, to the* Fleet, *and there to remain until the next* Friday *Morning; and, on that Morning, to ride, in like Manner, into* Cheapside, *in the City of* London, *and there shall be set, and stand, upon the Pillory, with the former Paper and Inscription, by the Space of two Hours, that is, from ten until twelve of the Clock in the Forenoon of that Day; and ride back to the* Fleet, *in like Manner as before: And that there is set, and assessed upon him, a Fine of One Thousand Pounds.*

An. 19 James I. 1621.

This Proceeding the Lords judged to be a great Infringement of their Privileges; and, on the Day aforesaid, after mature Deliberation of the Matter, the

Which the Lords deem a high Infringement of their Privileges.

An. 19 James I. 1621. the Lords sent a Message, in Writing, to the Commons, by two of the Judges, importing, that,

'The Lords, during all this Parliament, have had much Contentment in the good Correspondency that hath been between both Houses: That their Lordships have an earnest Affection, and an assured Confidence of the happy Continuance of it to the End; with a full Resolution of all possible Endeavours, on their Parts, tending thereunto. Their Lordships having heard of a Censure lately passed in that House, against one *Edward Lloyde*, are desirous of a Conference for the Accommodation of that Business, in such sort as may be without any Prejudice to the Privileges of either House. This Conference they desire, if it may stand with the Occasions of that House, may be between the whole Houses, at three in the Afternoon, in the *Painted-Chamber*; with Power to each Committee to treat and confer freely, and to understand each other's Reasons.'

A Conference thereupon.

To the end that the Lords might agree amongst themselves, in what Manner to proceed at the said Conference, the House adjourned *ad libitum*; and, being returned, it was resolved that the Archbishop of *Canterbury* should begin, and the Lord Treasurer, the Lord Chamberlain, and the Earl of *Southampton*, should argue and dispute about it.

Answer returned from the Commons, by Sir *Lyonel Cranfield*, and others.

'The Knights, Citizens, and Burgesses of the House of Commons, have commanded me to let your Lordships understand, that they take great Comfort in the Message which your Lordships sent them, and desire the happy Continuance of the Love and Unity of both Houses. Their whole House, as a Committee, will attend your Lordships at the Conference desired, and at the Time and Place appointed.'

Post Meridiem. After consulting a Precedent shewn their Lordships by Mr. Serjeant *Crew*, *An.* 1. *Henry* IV. which proved, *That the Commons were not Judges in Parliament; but that Judicature belongs*

longs unto the King and Lords alone (*s*), the whole House went, as a Committee, into the *Painted-Chamber*. And, being returned, the House was resumed; when it was agreed, that the Judges and King's Council should make a Report of the Collections of what the Commons alledged for their Right of Judicature. Adjourned. An. 19 James I. 1621.

May 7. Thirty-one more Witnesses were sworn before the Lords in the Cause against Sir *John Bennet*. Then the Archbishop of *Canterbury* reported, 'That Yesterday, according to the Direction of the House, he presented their Lordships Petition unto the King, humbly desiring that his Majesty would be pleased that this House might continue Judges of Sir *Henry Yelverton*, for the Matter concerning his Majesty's Honour.' At which Time his Majesty said, 'That, in Example of that most famous Queen *Elizabeth*, when this whole House was Suitors to her, he must return *Answer*, *Answerless* (*t*).' But that this Morning his Majesty's Answer was, 'The Lords knowing they enjoy their 'Honours from him, and under him, he doubts not 'but they will be more tender of his Honour for 'that Cause; therefore he doth return back unto 'their Lordships the whole and final ordering of 'that Business of Sir *Henry Yelverton*.'

The Lords having considered the Precedents alledged by the Commons, at the last Conference, do find that they tended to prove,

1. 'That the House of Commons is a Court of Record.'

2. 'That they have administred an Oath in Matters concerning themselves.'

3. 'That they have inflicted Punishments on Delinquents, where the Cause has concerned a Messenger of their House, or the Privilege thereof.'

Their Lordships determined, 'That the Question, at this Time, is not, Whether that House be a Court of Record; nor whether the Oath by them alledged to be ministred, in a Matter concerning that House, was given by the House, or by a Master in

(*s*) See Vol. II. p. 52. (*t*) Vol. IV. p. 298.

An. 19 James I. 1621. in Chancery, then one of their Members; nor whether they have a Right of Judicature in Matters concerning themſelves? But the Queſtion is, Whether that Houſe may proceed to ſentence any Man, who is not a Member of their Houſe, and for a Matter which does not concern them, for which the Commons alledged no Proofs, nor produced any Precedents? Therefore their Lordſhips agreed to pray a Re-conference about the ſame; and, at the ſaid Conference, to ſtick to this only, 'That the Houſe of Commons have no Power of Judicature, no Coercion againſt any, but in Matters concerning their own Houſe.'

May 8. Thirteen more Witneſſes ſworn, before the Lords, in the Cauſe of Sir *John Bennet*, &c. Then the Lord Chamberlain declared, 'That the King had commanded him to acquaint their Lordſhips, in Addition to what was delivered to them, Yeſterday, by the Lord Archbiſhop of *Canterbury*, 'That altho' nothing is ſo dear unto him as his 'Honour; yet, as before, ſo he doth now, put in- 'to their Lordſhips Hands the Cauſe of Sir *Henry* 'Yelverton, not miſtruſting their Affections to him, 'nor their Judgments.'

Further Proceedings againſt Sir Henry Yelverton.

One *Thomas Emerſon* was examined, touching a Meſſage he brought to Sir *Henry Yelverton* from *Mompeſſon*; which Sir *Henry* alledged in his Speech here of the 18th of *April* laſt, 'That the ſaid Sir *Henry Yelverton* was not to keep his Place of the King's Attorney-General long, if he withſtood the Proceedings in the Writs of *Quo Warranto* for the Inns.' *Emerſon* ſaid,

'I never delivered any Meſſage to Sir *Henry Yelverton* from *Giles Mompeſſon*; but I delivered him ſome Speech by way of Advertiſement, not by way of Meſſage, as it paſſed from *Mompeſſon* to me concerning him; which I confeſs *Mompeſſon* delivered to me as a Meſſage to be carried to Sir *Henry*, and what he told me was to this Effect; That there was a Buſineſs concerning Sir *Edward Villiers*, of the Mint-Maſter's Place in the *Tower*; one pretends a former Grant; the reſt of the King's

Council

Council had, or would deliver their Opinions, that the former Grant is void in Law, and the Party unfit to execute the Place; only Mr. Attorney-General oppoſed this: But, if he takes theſe Courſes, and refuſes to concur with the reſt of the King's Council, to certify his Opinion in Things that are honeſt, convenient, and agreeable to Law, he muſt not think to be Attorney a Month to an End, and tell him ſo.' I anſwered, 'You will not have me tell him ſo. Yes, ſaid *Mompeſſon*, I pray you do it. And, after Supper, I took him aſide, and aſked him whether he would have me deliver that Meſſage to Sir *Henry Yelverton*, or no? He anſwered, Yes, by all Means, if you love him.' An. 19 James I. 1621.

'When I imparted this to Sir *Henry Yelverton*, he anſwered me, 'This cannot be true; for I never was on better Terms with my Lord of *Bucks* than now; and Sir *Edward Villiers* is one of the beſt Friends I have; and this very Suit I recommended to him by Means of one *Palmer*.'

'Sir *Henry Yelverton*, either by Word or Writing, acquaints Sir *Edward Villiers* with this, as I heard; and Sir *Edward* was diſcontented with *Mompeſſon* about it: Whereupon *Mompeſſon* came to me to know whether I had been with Mr. Attorney, and wiſhed I had not imparted this Meſſage to him. He told me Sir *Edward Villiers* was much diſcontented with him; but he began to wave it at firſt, tho' he afterwards confeſſed he had ſent me to tell Mr. Attorney of it. Some Time after *Mompeſſon* went with me to Sir *Henry Yelverton*, and acknowledged the Speeches which were delivered by me; and they ſeemed to be well ſatisfied with each other, and departed Friends, as far as I could perceive.'

'Since which Time I never ſpoke with Sir *Henry Yelverton*, but upon one Buſineſs; nor had I ever any Speech with him, concerning the Patent of Inns, nor the granting of any *Quo Warranto*; neither hath this Meſſage any Relation to the Patent of Inns or *Quo Warranto*; neither did I ever hear of any Meſſage to him touching the Lord of *Bucks*.'

All this *Emerſon*, upon Oath, affirmed to be true;

An. 19 James I. 1621. Then the Lords directed the Attorney-General to open to the Houſe, as well the firſt Speech as the ſecond, (becauſe his Majeſty thought that Sir *Henry Yelverton* had by his ſecond Defence aggravated the former) who, coming up to the Clerk's Table, read Part of the Copy of the firſt Charge upon him; and his Notes for Anſwers, wrote in the Margent thereof by him. Alſo, the Notes taken of Sir *Henry's* ſecond Speech, which was ſent to the King; and which he ſaid he did ſpeak in the Houſe, or would have ſpoke if he had been permitted. But, the Morning being far ſpent, the Lords determined not to proceed againſt him then, but take another Time to conſider upon what Point of thoſe Speeches to think him worthy of Cenſure.

Poſt Meridiem. The Houſe being to meet the Commons at the Re-conference, this Afternoon, concerning the Judicature in which the Lords conceived the others had trenched into their Liberties and Privileges; and wherein their Lordſhips were not ſatisfied with the Precedents alledged by the Commons, at the former Conference, in their Defence thereof: Yet being deſirous to continue that good Reſpect and Correſpondency which hath been all this Parliament between both the Houſes, they thought proper to order, That the Archbiſhop of *Canterbury* ſhould begin the Introduction to the Conference, and propound any thing that might tend to a gentle Ending of the ſame. And, that if the Commons would agree to a Sub-Committee to end this Buſineſs, then the Archbiſhop, the Lord Admiral, the Lord Chamberlain, the Earls of *Arundell* and *Southampton* were appointed for that Purpoſe. And it was further agreed, That this Sub-Committee ſhould be limited not to yield to any thing, in point of Judicature, which they of the Commons have done, leſt it may in Time become a Precedent to wrong the Privileges of the Lords.—The Commons agreed to a Sub-Committee to end this Difference.

May 12. The Archbiſhop of *Canterbury* reported the Conference held Yeſterday between the Sub-

Sub-Committees of both Houſes, to this Effect: First, 'The Commons ſhewed their conſtant Reſolution to maintain the Love and good Correſpondency between the two Houſes. Secondly, Their Reſolution not to invade the Privileges of this Houſe, that have dealt ſo nobly with them: Laſtly, That out of their Zeal they ſentenced *Lloyde*; but they leave him to the Lords, with an Intimation of their Hope that this Houſe will cenſure him alſo. Then they propoſed a Proteſtation to be entered with the Lords for a Mean to accommodate the Buſineſs between them.

An. 19 James I. 1621.

Report from the Sub-Committees on occaſion of the Commons having paſſed Sentence on Edward Lloyde.

A Proteſtation was immediately drawn up and agreed to, in theſe Words; *That the Proceedings lately paſſed in the Houſe of Commons, againſt* Edward Lloyde, *be not at any Time hereafter drawn or uſed as a Precedent, to the Enlarging or Diminiſhing of the lawful Rights or Privileges of either Houſe: But, that the Rights and Privileges of both Houſes, ſhall remain in the ſelf ſame State and Plight as before.* —This Proteſtation is alſo entered in the *Journals* of the Commons, without any Addition or Alteration by them.

The Commons yield the Point of Judicature to the Lords.

Some Regulations being made in regard of the further Proceedings in Sir *Henry Yelverton's* Cauſe, he was ordered to be brought to the Bar, to anſwer for himſelf, on *Monday* next, *May* 14. The King's Council were to make a Collection of the Words he ſpoke in this Houſe, to confer with the Judges about them; and to deliver their Opinion of them, before Sir *Henry* be ſet to the Bar. The King's Counſel were alſo ordered to enforce the Words againſt him.

May 14. The Lord Treaſurer delivered a Repreſentation of Sir *Henry Yelverton's* Caſe, as preſented to the King; with his Majeſty's Pleaſure ſignified that it might be read in the Houſe. The Subſtance of which was as follows:

Sir Henry Yelverton's Caſe.

SIR *Henry Yelverton*, in *Michaelmas* Term laſt, was ſentenced in the *Star-Chamber* for Breach of Truſt, in the unwarrantable paſſing of a Char-

An. 19 James I. 1621. ter to the City of *London*; tending to the Diſherifon of his Majeſty, both in Matter of kingly Power and high Prerogative, and alſo, in Matter of Revenues and Profits of the Crown; to the Oppreſſion and Grievance of the Subject, by raiſing of exceſſive Fees and Exactions.

'The Sentence conſiſted of theſe three Parts: 1. Impriſonment in the *Tower*, 2. A Fine of 4000 *l.* 3. A Declaration of Diſability and Unfitneſs to hold the Place of Attorney-General. Under this Sentence Sir *Henry Yelverton* ſuffers at this Day; for, he is a Priſoner in the *Tower*; removed from the Place of Attorney; and the Fine is leviable upon him at his Majeſty's Pleaſure.'

'That, on the 18th of *April* laſt, he was brought to the Bar in Parliament; and being there charged, *inter alia*, with ſome Miſcarriages, touching the Patent of Inns, he ſaid, If ever he had deſerved well of his Majeſty, it was in that; adding, That the King and Subjects were more abuſed by that Patent than by any other, and that he ſuffers at this Day, as he takes it, for that Patent.'

'*April* 30. He was again brought to the Bar, and ſpoke as follows:

'I cannot but preſent myſelf this Day, before your Highneſs and my Lords, with much Fear and more Grief; for I am compaſſed with ſo many Terrors from his Majeſty, as I might well hide my Head with *Adam*. His Majeſty's Diſpleaſure wounds me more than the Conſciouſneſs of any Faults; yet, I had rather have died than that the Common-Wealth ſhould receive ſo much as a Scratch from me.'

'I, that in none of my Actions feared the great Man, in whom they (Sir *Edward Villiers* and Sir *Giles Mompeſſon*) did depend; much leſs would fear them who were but his Shadows. But, my moſt noble Lords, knowing that my Lord of *Buckingham* was ever at his Majeſty's Hand, ready, upon every Occaſion, to hew me down, out of the honeſt Fear of a Servant, not to offend ſo gracious a Maſter,

Master, as his Majesty hath ever been to me, I did commit them, *viz*, the Silk-Men.' An. 19 James I. 1621.

'As to the Patent of Inns, I cannot but herein bemoan my Unhappiness, That in the last Cause labouring by all Means to advance the Profit of his Majesty; and, in this, with the Sight almost of my own Ruin, to preserve his Majesty's Honour and the Quiet of the People, I am yet drawn in Question as if I had equally dishonoured his Majesty in both.'

'When Sir *Giles* saw I would not be moved to offend his Majesty by his Directions, I received a Message from Mr. *Emerson*, sent me by Sir *Giles*, That I would run myself upon the Rocks, and that I should not hold my Place long, if I did thus withstand the Patent of Inns, or to that Effect. Soon after came Sir *Giles* himself, and, like a Herald at Arms, told me that he had this Message to acquaint me with from my Lord of *Buckingham*, That I should not hold my Place a Month if I did not conform myself in better Manner to the Patent of Inns; for my Lord had obtained it by Favour, and would maintain it by his Power.'

'How could I but startle at this Message? I saw here was a great Assuming of Power to himself, to place or displace an Officer at his Pleasure. I saw myself cast upon two main Rocks; either, treacherously to forsake the Standing his Majesty had set me on, or else, to endanger myself by a By-blow, and to hazard my Fortune.'

'I humbly beseech your Lordships to think that Nature will struggle, when she sees her Place and Means of Living thus assaulted; for now it was come to this, Whether I would obey his Majesty or my Lord, if Sir *Giles* spoke true. Yet, I resolved in this, to be as stubborn as *Mordecai*, not to stoop or pass those gracious Bounds, his Majesty had prescribed me.'

'Soon after, I found the Message, in Part, made good; for all the Profits, almost, of my Place were diverted from me, and turned into an unusual Channel, to one of my Lord's Worthies; that I

An. 19 James I. 1621. retained little more than the Name of an Attorney. It was so fatal and so penal, that it became almost the Loss of a Suit to come to me; my Place was but as the Seat of Winds and Tempests.'

'Howbeit, I dare say, if my Lord of *Buckingham* had read the Articles exhibited, in this Place, against *Hugh Despenser (u)*; and had known the Danger of placing and displacing Officers about a King, he would not have pursued me with such Bitterness. But, my Opposing his Lordship in the Patent of Inns, in the Patent of Alehouses, in the *Irish* Customs, and in Sir *Robert Naunton's* Deputation of his Place in the Court of Wards, have been my Overthrow. For these I suffer at this Day in my Estate and Fortune, (not meaning to say, as I take it, but as I know, for my Opposition to his Lordship) above 20,000 *l.* (*x*) I know well that I suffer unjustly, in my Restraint, for my Offence, by his Lordship's Means: For my Heart tells me I was ever faithful to his Majesty; I sought no Riches but his Grace.'

The foregoing Minutes of Sir *Henry Yelverton's* Case being read, he was brought to the Bar, where Serjeant *Crew* and Mr. Attorney-General opened the Charge against him; and shewed, That those Speeches did directly point to the Lord Marquis of *Buckingham*, and, by Consequence, fastned a Scandal on his Majesty. Sir *Henry*, having Leave, explained himself touching the said Speeches, and made his Defence to the Charge, which was very long. Afterwards, he was ordered to withdraw, and to be brought again to the Bar To-morrow in the Afternoon.

The Lords resolve to censure him.

May 15. The Affair of Sir *Henry Yelverton* came on again; when the Question being put, 'Whether the said Sir *Henry* is worthy to be censured, for Words spoken by him in this House, which touched the King's Honour?' it was agreed he should, *Nemine dissentiente*. Afterwards they agreed

(*u*) See Vol. I. p. 161. *Anno* 14 *Ed.* II.

(*x*) What follows is omitted in *Rushworth*, but supplied from the *Lords Journals*.

agreed what Sentence ſhould be paſſed upon him: 1. For Matters touching the King's Honour. 2. For the Scandal on the Marquis of *Buckingham*, Lord Admiral. 3. For the Matter of Complaint againſt him by the Commons. But the Day being far ſpent in ſettling this Affair, the Lieutenant of the *Tower* had Orders to bring up the ſaid Sir *Henry Yelverton*, at nine the next Morning. An. 19 James I. 1621.

May 16. Several more Witneſſes ſworn in the Cauſe againſt Sir *John Bennet*; after which two public Bills were read, and then the Houſe proceeded to give Sentence againſt Sir *Henry Yelverton*; the Memorial of which is entered in theſe Words:

The Memorial of the Sentence againſt him;

WHEREAS, on the 14th Day of *May*, Sir *Henry Yelverton* was charged at this Bar, That in the Term of St. *Michael* laſt paſt, for Breach of Truſt and Miſdemeanors by him committed, whilſt he was Attorney-General to his Majeſty, *viz.* for drawing without Warrant a Charter unto the City of *London*, tending as well to his Majeſty's Diſheriſon, as to the Grievance and Oppreſſion of the Subject; was ſentenced by the Court of *Star-Chamber* to be a Perſon unfit to exerciſe or hold the Office of Attorney-General; and was further adjudged to be impriſoned in the *Tower*, and to pay a Fine of 4000*l.* to his Majeſty. The ſaid Sir *Henry Yelverton*, being by Force of the ſaid Sentence impriſoned and ſtill liable to pay the ſaid Fine, was, upon the 18th of *April* laſt paſt, brought to the Bar of this High Court, and charged with ſome Complaints of the Commons, with ſome Miſcarriages concerning two Patents, the one for making Gold and Silver-Thread, the other for the licencing of Inns and Hoſteries; and being required to make Anſwer thereto; touching the laſt, he ſaid, 'That if ever he deſerved well of his Majeſty it was of that Matter. That the King and Subjects were more abuſed by it than by any other; and that he ſuffered at that Day for oppoſing that Patent, as he took it.'

An. 19 James I. 1621.

'And having the Favour of this High Court to be adviſed of his Anſwer to the 30th of the ſame Month, and coming again to the Bar, the ſaid Sir *Henry Yelverton* made a long and large Anſwer to the Particulars of this Charge, as touching the ſaid Patents; and in his Anſwer uttered divers Speeches, by which he attributed all the Effects of that Sentence, *viz.* his Sufferings, his Hindrances, which he eſteemed to the Value of 20,000*l.* his Ruin and his Overthrow, unto his Oppoſition againſt that Patent of Inns and Hoſteries; to the great Scandal of his Majeſty in point of Honour and Juſtice. And the ſaid Sir *Henry Yelverton* in his Anſwer uttered ſeveral other Words of Scandal; which, though directly and immediately pointed at the Lord Marquis of *Buckingham*, Lord High Admiral of *England*, charging his Lordſhip with Matter of Oppoſition againſt the ſaid Sir *Henry Yelverton*, to his Hindrance, Ruin, and Overthrow; yet, by Conſequence, the ſame Words reached his Majeſty, and faſtned a Scandal upon his Highneſs, intolerating and giving way to thoſe Courſes, ſuppoſed by the ſaid Sir *Henry Yelverton* to be injuriouſly wrought by the ſaid Lord Marquis; glancing, and, in a Sort, reſembling them to the Actions of *Hugh Deſpenſer*, and comparing himſelf to *Mordecai*. After this the ſaid Charge was fully opened and preſſed by his Majeſty's Council, the honourable Court hearing the Defence and Examinations of the ſaid Sir *Henry Yelverton* to the ſame; but the Day being far ſpent, their Lordſhips did forbear to proceed to a Sentence or Judgment at that Time.'

'Afterwards the Lords Spiritual and Temporal, on the 15th of *May*, after long and ſerious Deliberation and Conference, and upon due weighing of the Speeches and Words ſpoken before their Lordſhips in this High Court of Parliament, did with one Aſſent, no Man diſagreeing, reſolve, That the ſaid Sir *Henry Yelverton* was worthy to be cenſured by this Court, for Words ſpoken by him in this Houſe, which did touch the King in Henour; and did then alſo agree what Cenſure to paſs upon him

him for the same; but the Day being again far spent, they proceeded not to Judgment at that Time, but ordered the said Sir *Henry Yelverton* to be brought to the Bar this Day to hear the same; who being then at the Bar and the Lords in their Robes, the Lord Chief Justice pronounced the Judgment *in hæc Verba:* An. 19 James I. 1621.

The Lords Spiritual and Temporal of this High Court of Parliament do award and adjudge,

1. *That he, the said Sir* Henry Yelverton, *for his Speeches uttered in this Court, which do touch the King's Majesty in Honour, be fined to the King's Majesty Ten Thousand Marks.* For slandering the King;

2. *That he shall be imprisoned in the* Tower *during the King's Pleasure.*

3. *That he shall make such Acknowledgment of his Fault, and such Submission to his Majesty, as shall be prescribed unto him by this Court. The same to be made here at the Bar, either in the King's Presence, or, in his Absence, at the King's Pleasure.*

This Judgment being given against the said Sir *Henry Yelverton*, for his said Speeches, which touched his Majesty in Honour; and the Prisoner being withdrawn, the Lords took into their Consideration 'That the said Words and many others spoken here in this House, at the same Time, by the said Sir *Henry Yelverton*, did directly tend to the Scandal of the Marquis of *Buckingham*, Lord High Admiral of *England*; and therefore, by their Lordships Appointment, the said Sir *Henry Yelverton* was called in again, brought to the Bar, and was charged with the same scandalous Speeches by the King's Serjeant and the Attorney-General. And, whereas, the greatest Matter of Averment, on his Part, did depend upon a Message which the said Sir *Henry Yelverton* did affirm was delivered to him by Mr. *Thomas Emerson*, from *Giles Mompesson*; the Depositions of the said *Emerson* taken here in Court the 8th Day of *May*, were read by the Clerk, wherein the said *Emerson* did, upon his Oath, absolutely deny the said Message: And the said

An. 19 James I. 1621. said Sir *Henry Yelverton* having Leave to speak for himself, without Interruption, did not give the House any good Satisfaction for the scandalous Speeches here by him uttered against the said Lord. Wherefore, he being withdrawn from the Bar, and the said Marquis also having withdrawn himself out of the House, the Lords having long debated the Matter, resolved, That the said Sir *Henry Yelverton* was worthy of Censure, for his false and scandalous Words; and, being fully agreed about it, the Lord Marquis and the Prisoner were called in again, when the Lord Chief Justice pronounced Sentence against him *in hæc Verba:*

The Lords Spiritual and Temporal of this High Court of Parliament do adjudge and award,

And for aspersing the Duke of Buckingham.

1. *That Sir* Henry Yelverton, *Knt. for his false and scandalous Words, uttered in this High Court of Parliament against the Lord Marquis of* Buckingham, *Lord High Admiral of* England, *shall pay* 5000 *Marks unto the said Marquis.*

2. *That he shall be imprisoned.*

3. *That he shall make such Submission, in this Court, to the Lord Marquis, as this Court shall prescribe.*

This Judgment being given, the Lord Marquis freely remitted unto the said Sir *Henry Yelverton*, the said 5000 Marks, for which Sir *Henry* returned his most humble Thanks to his Lordship. The Lords also agreed to move his Majesty to mitigate Sir *Henry Yelverton's* Fine, and his Royal Highness the Prince offered to undertake that Office.—It is also very remarkable that no Censure was passed upon him, on Account of the Complaint exhibited against him by the Commons; nor does it appear that they ever resented the Omission.

But he is soon after pardon'd.

Soon after the King wholly relinquished the Fine due to him from Sir *Henry* on the Sentence; he was set at Liberty; reconciled to the Marquis; and was esteemed, says *Rushworth* (*x*), a Man *valdè eruditus*

(*x*) Vol. I. p. 34.——This Gentleman was Author of *The Reports*; his Father was Speaker of the House of Commons, *Anno* 1597, (see Vol. IV. p. 411) and his Descendant is now Earl of *Sussex*, Viscount *Longueville*, &c.

eruditus Lege, in his Time.——In the ſucceeding Reign he was made a Judge of the Common Pleas *(y)*. An. 19 James I. 1621.

A Meſſage from the Commons to put their Lordſhips in Mind of the Complaint againſt the Lord Biſhop of *Landaff*, for an Offence proved to the Houſe of Commons, by the Teſtimony of *Randolph Davenport* and divers other Witneſſes. Wherefore the Commons demand Judgment againſt him for the ſame. *Anſwer.* The Lords have been buſied with many Matters of great Importance; but they ſhall hear from them ſhortly touching the ſaid Complaint. The Commons remind the Lords of their Complaint againſt the Biſhop of Landaff.

May 18. Both Houſes, by mutual Conſent, adjourned to the 24th on account of *Whitſuntide*.

May 24. Several public and private Bills read.

May 25. After ſome other Buſineſs, the Lord Archbiſhop of *Canterbury*, firſt of the Committee appointed by the Houſe to take Examinations in the Cauſe of *Edward Lloyde*, reported that they had taken ſeveral, and were ſatisfied of the Proof of the Crimes objected againſt him; and moved the Houſe, that Mr. Attorney-General might read the ſaid Examinations. Accordingly, the Depoſition of ſix ſeveral Perſons were read, and then it was ordered, that *Lloyde* ſhould be brought to the Bar the next Morning, in order to proceed to Judgment againſt him.

May 26. This Day, *Edward Lloyde* being ſet to the Bar, the Attorney-General charged him with notorious Miſdemeanors and high Preſumption:

Proceedings againſt Edward Lloyde before the Lords.

I. 'In rejoicing at the Loſſes which had happened to the King's Daughter and her Children.'

II. 'For diſcouraging of others who bear good Affection unto them.'

III. 'For ſpeaking baſely of them.'

IV. 'For taking upon him to judge of the Rights of Kingdoms.'

To the firſt, Mr. Attorney ſhewed, 'That, in *December* laſt, *Edward Lloyde*, being Priſoner in the *Fleet*, having heard that *Prague* was taken, did upon

(y) May 10, 1625, *An.* 1 *Car.* I. Chronica Juridicialia.

An. 19 James I. 1621. upon all Occaſions ſhew himſelf joyful and glad of that Calamity and Affliction which had happened to the Prince and Princeſs *Palatine*, the King's only Daughter and her Children.'

As to the ſecond, the Attorney ſaid, 'That *Lloyde* relating unto one *Henry Pennington* the Loſs of *Prague*, with the Captivity of the King's Son-in-Law, his Daughter and her Children; he the ſaid *Pennington* wiſhnig that himſelf and all the convenient Men of the Kingdom were preſſed forth not to return with their Lives, till they had redeemed her from Captivity: He the ſaid *Lloyde* reply'd, I am ſorry thou art ſuch a Fool; and the ſaid *Pennington* reproving him for ſaying ſo, *Lloyde* reply'd, That if he had been out of his Chamber he would have ſtruck him.'

For the third, Mr. Attorney ſhewed, 'That the ſaid *Lloyde*, taking Occaſion to ſpeak of theſe Matters, did term the Prince and Princeſs *Palatine*, the King's Daughter, by the ignominious and deſpiteful Terms of Goodman *Palſgrave* and Goodwife *Palſgrave*; calling him *that poor Lad*; and ſcoffingly, with great Jollity, related a Stage-Play of the Princeſs, running away with two Children, the one under one Arm, and the other under the other Arm, and the third in her Belly, with the *Palſgrave* following with the Cradle.'

Laſtly, The Attorney ſhewed, 'That one *Abdias Cole* going to preach one *Sunday* Morning in the *Fleet*, the ſaid *Lloyde* called to him and told him that *Prague* was taken; and the ſaid *Cole* anſwering, That is little Comfort to me. *Lloyde* reply'd, Nay, now we may freely ſpeak it, I, or any Nobleman, have as good Right to be King of *Wales*, as he, meaning the *Palſgrave*, to be King of *Bohemia*.

Here Mr. Attorney opened 'that Point of the ancient Oath of Allegiance; of which Oath and the Danger to the Offender in ſuch Caſe, the ſaid *Lloyde*, being a Lawyer, could not be ignorant, and that therefore his Offence was greater. That he, being a Man of good Eſtate, was a Juſtice of Peace

Peace in his Country, in the County of *Salop*; and was put out of Commiſſion, as was affirmed to be true by Mr. Baron *Bromley* then preſent; and alſo, that this *Lloyde*, having heretofore ſtudied the Common Law, in the *Inner-Temple*, where he was called to the Bar, was put out of that Society by the Benchers.' An. 19 James I. 1621.

Edward Lloyde being then demanded by the Lord Chief Juſtice, what Anſwer he could make to theſe Miſdemeanors wherewith he was charged? he began with a long Diſcourſe to traduce the Perſons of ſuch as had depoſed againſt him; but being demanded to make a direct Anſwer to the Charge, he ſaid, 'I cannot remember that theſe Words were ever ſpoken by me.' Whereupon the Clerk read the Depoſitions of ſix Witneſſes againſt him. Then the Chief Juſtice demanded of *Lloyde*, Whether he ſpake thoſe Words, Goodman *Palſgrave* and Goodwife *Palſgrave?* To which he anſwered, 'I ſpoke not thoſe Words in ſuch Sort as they are laid down in the Depoſition.' 'Did you ſpeak thoſe Words or Words to that Effect?' To which he reply'd, 'It was but a Folly for him to deny them, becauſe ſo many had proved them.' And being demanded whether he ſpake the other Words, or uſed the inſolent Behaviour towards the Prince and Princeſs *Palatine?* he anſwered, 'I remember it not.'

The Priſoner being withdrawn, tho' the Lords were all fully ſatisfied by the Examinations and *Lloyde's* Anſwers, yet, for Order ſake, it was put to the Queſtion, 'Whether *Edward Lloyde* be ſo guilty of the Offences of which he is charged, as that he deſerves to be cenſured?' It was agreed by all, *Nemine diſſentiente*. But one Part of the Sentence propoſed being Whipping, ſome Lords objected to it becauſe he was a Gentlemen; this was alſo put to the Queſtion, and carried for Whipping. Another Queſtion was, Whether he ſhould have his Ears nailed to the Pillory? It was agreed, *per pluris*, not to be nailed.

The

An. 19 James I. 1621.

The Form of the Sentence being then read and agreed to, the Priſoner was brought again to the Bar, when the Attorney-General praying Judgment againſt him, the Lord Chief Juſtice pronounced Sentence in theſe Words:

The Lords Spiritual and Temporal of this High Court, conſidering the great Offence of the ſaid Edward Lloyde, *do award and adjudge,*

Their Judgment againſt him.

1. *That* Edward Lloyde *ſhall be uncapable to bear Arms as a Gentleman; and that he ſhall be ever held as an infamous Perſon; and his Teſtimony not to be taken in any Court or Cauſe.*

2. *That on* Monday *next, in the Morning, he ſhall be brought to* Weſtminſter-hall, *there to be ſet on Horſeback with his Face to the Horſe-Tail, holding the Tail in his Hand, with Papers on his Head and Breaſt declaring his Offence; and ſo to ride to the Pillory in* Cheapſide, *to ſtand two Hours in it, to be branded with the Letter* K *in his Forehead.*

3. *To be whipt at a Cart's Tail, on the firſt Day of the next Term, from the* Fleet *to* Weſtminſter-hall, *with a Paper on his Head declaring the Offence, and then to ſtand in the Pillory there for two Hours.*

4. *That he ſhall be fined to the King in* 5000*l.*

5. *That he ſhall be impriſoned in* Newgate *during his Life.*

Warrants were given to the Serjeant at Arms and to the Warden of the *Fleet* to ſee this Sentence quickly executed; and the Paper to be on his Head was to contain theſe Words:

For ignominious and deſpiteful Words, and malicious and ſcornful Behaviour towards the Prince and Princeſs Palatine, *the King's only Daughter, and their Children.*

Camden, in his Annals of this Reign, tells us, That every Part of this Sentence was executed on *Lloyde*; but the *Lords Journals* aſſure us, That ſome Days after, on a Motion in the Houſe of Lords, from

from the Prince, it was ordered, That the Punishment of Whipping, with all that belongs to it, to be inflicted upon *Edward Lloyde*, be suspended and forborn, until the Pleasure of the House be further known; the rest of the Punishment to be executed according to the former Order. It was also ordered, That hereafter, when any Censure beyond Imprisonment be agreed on, that Judgment thereupon be not then given, but on another Day, or Sitting, that Time may be taken to consider thereof. An. 19 James I. 1621.

May 28. After reading some Bills, the Lord Treasurer stood up and declared unto the House, That Yesterday his Majesty, advising with the Lords of the Privy-Council, hath thought fit, and so has commanded him to tell them, to adjourn the Parliament, at this Time, for these Causes.

The King's Reasons for adjourning the Parliament.

1. 'The Season of the Year, by the Continu-
'ance of this great Concourse of People, may breed
'Infection.

2. 'The Use that this Time of the Year may
'require to have the Lieutenants of the Counties,
'and the Justices of Peace, in the Country.

3. 'Because the Courts of *Westminster-hall* have
'not had their ordinary Proceedings this Session.

4. 'For that the Profits of his Majesty's Reve-
'nues are, as it were, at a Stand.

5. 'The Omission of the State.

'The Reasons why he will adjourn it rather
'than prorogue it, are these:

1. 'For that the Adjournment keeps a Kind of
'Being in Parliament.

2. 'Whereas many good Bills are preferred and
'not as yet past, the Adjournment reserves them
'in the same State they now are.

3. 'It will keep many Laws in Continuance
'which will end with the Session, without a special
'Provision be made for the same.

4. 'His Majesty's free and general Pardon is
'not yet prepared; which he intends to the better
'Sort of People as well as to the meanest.

'Seeing

An. 19 James I. 1621.

5. 'Seeing there are so many Bills exhibited, 'his Majesty cannot, in so short a Time, apply 'his Mind to advise which Bills to accept of and 'which to refuse.'

'The Treasurer added, 'That, as in this Parliament, his Majesty hath already redressed the 'Corruptions of the chief Courts of Justice; and, 'by his Proclamation, called in the Patent of Inns 'and Hosteries; and forbidden Bills of Conformities, which were Things very grievous to his 'Subjects; so his Majesty cherisheth the Bills 'against Informers, against the Abuse of *Super-sedeas*, against *Monopolies*, against *Recusants*, and 'for Limitation of Suits, with an Intent to perfect them. And, he also proposeth to reform 'divers Grievances to the People.

'Wherefore his Majesty's Pleasure is, That 'you perfect the Acts in the House against *Saturday* next, especially that of Sir *John Bennet*; 'and hath appointed *Sunday* next, in the Afternoon, to hear any thing concerning other Grievances. That on *Monday*, *June* the 4th, his 'Majesty will send a Commission for the Adjournment of this Parliament.'

Then the Lord Treasurer reported the Bill *for exempting the Gentry of this Realm from the servile Punishment of Whipping*, with an Amendment and Proviso; which were all presently read, and the Bill ordered to be engrossed.

Post Meridiem. Four Bills were read, and a Message received from the Commons by Sir *Edward Coke*, and others, desiring a free Conference with their Lordships on a Message they had received from his Majesty, touching the Adjournment of this Parliament. Agreed: And the Time appointed to be To-morrow Morning.

A Conference thereupon desired by the Commons.

May 29. A Conference; but the Report of it ordered to be put off till the Afternoon. Several public and private Bills read.

Post Meridiem. The Lord Treasurer acquainted the House, That the Lords of the Privy-Council had attended his Majesty that Day, to whom he had

had taken Notice, That after he had ſignified his Intention to both Houſes, for adjourning the Parliament, the Commons had prayed a Conference and thereby a Petition to be made to his Majeſty for a longer Continuance of the Parliament; to which the Lords as yet had returned no Anſwer. His Majeſty's Commands are therefore, 'That 'though he is willing to hearken to any Petition, 'which ſhall be made unto him by Parliament, 'yet, a Petition of this Nature cannot be pleaſing 'unto him; it ſeeming to be a Derogation of his 'Prerogative, who hath the only Power to call, 'adjourn, and determine Parliaments.

An. 19 James I. 1621.

Which the King reſents as a Derogation from his Pretogative.

'That, out of Favour to his People, his Majeſty had made Choice rather to adjourn the Parliament than to prorogue it; and therefore his Majeſty adviſeth, that a ſelect Number of Bills may be choſen out, which he may paſs, and either make a Seſſion, or an Adjournment, at his Pleaſure. In which his Majeſty will adviſe with the Judges, Whether the Royal Aſſent by Commiſſion to ſome Bills, will put an End to a Seſſion; or, by Adjournment, keep all other Bills on Foot in the ſame State as they now are.'

His Majeſty's further Advice is, 'That the Houſe do huſband well the Time; for, on *Monday* next, he determines to hold his Day either for the Adjournment or Prorogation of the Parliament. His Pleaſure is alſo, that thoſe Bills which have paſſed both Houſes be ſent unto him before-hand, for the reſt he will adviſe of afterwards. Laſtly, That the Buſineſs of Sir *John Bennet* be haſtened.'

The Prince moved the Houſe, 'That the Commons might be made acquainted with his Majeſty's Pleaſure, ſignified by the Lord Treaſurer; and of his Majeſty's Advice to huſband well the Time; and that if they have any thing more to ſay unto the King, that they do attend his Majeſty on *Sunday* next.'

On this Motion the Lords ſent to deſire a Conference, preſently, with the other Houſe; which

An. 19 James I. 1621.

being agreed to, and the Lords returned from it, it was ordered, That Sir *John Bennet* be brought to the Bar To-morrow Morning, at Nine o'Clock.

May 30. Notwithſtanding the laſt Order, we find that the firſt Thing of Moment the Lords went upon this Day, was to hear the Report of the Earl of *Huntingdon*, one of the Committee appointed to take Examinations concerning Dr. *Field*, now Biſhop of *Landaff*. A Collection was made thereof, which, with divers Letters, ſent up by the Commons, concerning that Cauſe, were delivered by his Lordſhip into Court.

Proceedings againſt the Biſhop of Landaff for Brocage in Bribery.

The Biſhop having withdrawn himſelf out of the Houſe, the King's Serjeant, *Crew*, came to the Clerk's Table, and read the ſaid Collection *in hæc Verba:*

'*Edward Egerton* having a Suit in Chancery with Sir *Rowland Egerton*, for Lands of good Value; and, ſuppoſing he had ſome hard Meaſure therein, was commended to Dr. *Field*, now Lord Biſhop of *Landaff*, for the procuring of ſome great Friends to aſſiſt him in this Cauſe.'

'Upon Conference between *Edward Egerton* and the now Lord Biſhop about this Matter, and to the End to procure ſuch Aſſiſtance and Friendſhip, he acknowledged a Recognizance of 10,000*l.* to the Biſhop, and one *Randolph Davenport*, a Gentleman belonging to the late Lord Chancellor; which was dated *March* 13th, in the 16th Year of this Reign.'

'Whereupon there was a Draught of a Defeaſance conceived, but not perfected, as it ſeems; by which it was agreed between them, That if, by Means of Mediation of the ſaid Committees, or either of them, the ſaid *Egerton* ſhould prevail, either by Decree in Chancery, or at Common Law, to recover ſo much of the ancient Inheritance of the ſaid *Edward*, as is mentioned in the Defeaſance, then to pay the Lord Biſhop, or *Davenport*, or either of them, 6000*l.* within two Years after.'

'On the 15th of *March* 1618, Dr. *Field* writes a Letter to *Edward Egerton*, in the Nature of a Defeaſance

Defeasance of that Recognizance, which contain- An. 19 James I. 1621.
eth, that the Sum of 6000*l.* is for Gratuities to such honourable Friends as shall be made in his Business, if he recover, by the Power of those Friends, his ancient Inheritance; or, otherwise, a third Part of whatsoever shall be added to that which had been formerly awarded to the said *Edward* in Chancery. And if nothing was done, then he promised, *in Verbo Sacerdotis*, to return the Recognizance.'

'After this the Lord Bishop writes another Letter, without Date, to Mr. *Egerton*, letting him know thereby, that there was a Stay made of decreeing the Lord Chancellor's Award till next Term, by the Means of one of my Lord Chancellor's Gentlemen, who would have conferred with Mr. *Egerton*, but that his Leisure permitted him not then to do it; he therefore required some further Warrant and Direction to proceed in his Behalf. Underneath this Letter one *Woodward*, Brother-in-Law to Mr. *Egerton*, writes this Postscript, That he thinks his Cause will do well, and that he hath assured the Gentleman he shall find Mr. *Egerton* faithful in his Promise, and wisheth he would write back to *Woodward* to that Purpose.'

'*Woodward* writes another Letter to Mr. *Egerton* without Date, letting him know, That Dr. *Field* is sorry my Lord hath not sent an Answer as he expected, but that my Lord Chancellor shall be moved this Night for a Stay of the Decree; which he hopes to get by such Means as he shall use; and that he hath assured him Mr. *Egerton* would perform his Promise.'

'*Davenport* being examined in this High Court, touching the sharing the 6000*l.* betwixt him, *Butler*, the Bishop, and others, saith, He himself should have had nothing; *Butler* was to have 2000*l.* and 1000*l.* was thought fit to be given to the Lord Chancellor; but his Lordship knew not of it, and *Butler* dared not to move it. *Davenport* and *Butler* meant to have shared that 1000*l.* For the other 3000*l.* he knew not how it should be shared.

An. 19 James I. 1621. The Matter promiſed was a Letter from the Lord Admiral, and a Reference from the King to the Lord Chancellor.'

'*Francis Joyner* being examined in this Cauſe, confeſſeth, he was the Means to make Mr. *Egerton* and Dr. *Field* acquainted; and that the Doctor had Conference with *Butler* and *Davenport* about Mr. *Egerton's* Buſineſs; and that the Doctor drew in the Lord *Haddington* to be a Furtherer of it. He ſpoke to the Recognizance; and that the Doctor confeſſed he was truſted from the Lord *Haddington*, and that his Lordſhip was to diſpoſe of the Money at his Pleaſure.'

'*Triſtram Woodward* being likewiſe examined, confeſſed, *Joyner* told him Dr. *Field* had Friends at Court; and how Mr. *Egerton* was drawn to the Doctor's Houſe. The Recognizance was taken for *Butler* and the Lord *Haddington*, as he thinks; but out of it the Doctor expected Recompence, as he heard amongſt them: And confeſſed he wrote the Poſtſcript to Dr. *Field's* Letter ſent to Mr. *Egerton*.'

Edward Egerton ſaith, 'That he agreed with Dr. *Field* for the Recognizance, that he ſhould have his Land decreed to him: That 6000*l.* was to be paid on the Event of the Suit. He was to pay the Money to Dr. *Field* and *Davenport*; but how much each ſhould have, he knoweth not. He further ſaid, That *Woodward*, his Brother-in-Law, and Dr. *Field* procured him to acknowledge the Recognizance; but he did not pay the Charge of it: That Dr. *Field* told him he would bring him to one *Butler*, who would procure an Order from my Lord Chancellor for his Relief in the Cauſe as he would deſire: Thereupon the Doctor demanded a Recognizance of 10,000*l.* for Payment of 6000*l.* when this Examinant ſhould have ſuch an Order from the Court as he deſired. The Recognizance was enter'd accordingly; after which, this Examinant finding no Good thereby, demanded back his Recognizance; when, after many Delays, and a Year's Diſtance of Time, he had the ſame delivered.

delivered. Lastly, That *Woodward* told him Dr. *Field*, Captain *Field* his Brother, and *Butler* should have shared the Money amongst them; but how, he knoweth not.' An. 19 Jam. I. 1621.

Then the King's Serjeant read also the Proofs, which consisted of all the Letters and Examinations before-mentioned. After which the Bishop of *Durham* (z) stood up, and, in a Speech, repeated the Manner how this Matter was first complained of by the Commons to this House, with the several Proofs thereof: But added, 'That since there was nothing proved but an Intent, at the most, he moved that the Consideration thereof be referred to the Lord Archbishop of *Canterbury*, and he to give the Bishop an Admonition for the same in the Convocation House.'

The Archbishop (*a*) then rose up and said, 'That Dr. *Field*, the now Bishop of *Landaff*, could not be excused from Brocage in Bribery; for which he was to blame: But hoped that he might bear his Fault as Dr. *Field*, and not as Bishop of *Landaff*; and that, if it was referred to him, he would do that which belongs unto him (*b*).'

He is ordered to be reprimanded by the Archbishop of Canterbury in the Convocation House.

Whereupon it was ordered, That the Affair of the Lord Bishop of *Landaff* should be referred to the Lord Archbishop of *Canterbury*, and he to be admonished by his Grace in the Convocation House, before the Bishops and Clergy there. The Lords also taking into Consideration the Complaint of the Commons, touching this Matter, agreed upon a Message to be sent to that House, to this Purpose:

'Whereas the House of Commons informed this House of a great Misdemeanor committed by Dr. *Field*, now Bishop of *Landaff*, and hath also

(z) *Richard Neile*, who had himself been complained of by the Commons, when Bishop of *Lincoln*, for some Expressions in the House of Lords, tending to advance the Prerogative Royal. See before, p. 290, *et seq.*

(*a*) *George Abbot.*

(*b*) The Scene was acted when Dr. *Field* was only a private Clergyman; nor does it seem to have injured his Character at Court: For, in the next Reign, he was moved to *St. David's*, and, afterwards, died Bishop *Hereford*, in the Year 1636. *Le Neve.*

An. 19 James I. 1621. sent since to demand Judgment in that Cause; the Lords having taken full Examination thereof upon Oath, do not find it proved in the same Manner as, it seems, they were informed by Examinations taken in their House. And, for further Satisfaction of the Commons therein, their Lordships have sent them the Examination of *Randolph Davenport*.'

Answer. The Commons returned great Thanks for their Lordships honourable and just Proceedings in the Cause of the Lord Bishop of *Landaff*, and for sending the Examination of *Davenport*; by which it doth appear, that his Examination, taken by them, doth differ much from that taken upon his Oath before their Lordships.'

Then the Question was put, Whether the said Bishop should take his Place in the House before he received his Admonition from the Archbishop, or not? Agreed, *per plures*, that he should: Whereupon his Lordship was called in by the Gentleman-Usher, and went to his Place.—Thus ended the Affair of this Bishop of *Landaff*; of which there is not one single Word in *Wilson's* Life of King *James*, or in *Rushworth's Collections*.

To proceed with the *Journals*.——The Earl of *Huntingdon* reported, That his Lordship, and the other Lords joined in Commission with him, had taken divers Examinations in the Cause of Sir *John Bennet*, Knt. Judge of the Prerogative Court of the Province of *Canterbury*; by which they find him guilty of much Bribery and Corruption; of which a Collection was made, and his Lordship delivered the same to Mr. Serjeant *Crew*. The Earl of *Southampton* also made the like Report, and delivered the Examinations and Collections of the Bribery and Corruptions, wherewith Sir *John Bennet* was charged, to Mr. Attorney-General.

Which Collections, with the Names of the Witnesses examined for Proof being read, Sir *John Bennet* was brought to the Bar. The King's Serjeant opened the Charge against him by shewing, That the said Sir *John Bennet*, being a Judge,

as

as aforesaid, and being directed by the Law what Fees to take for Probats of Wills, and unto whom to grant Letters of Administration, he had perverted the Course of Law for Bribes; and, being therewith corrupted, he granted Administration contrary to Law. He charged the said Sir *John Bennet* with these particular Bribes and Corruptions, and read the Examinations of the following Witnesses for Proof thereof.' An. 19 James I. 1621.

Charge against Sir John Bennet for Bribery and Corruption.

'*Richard Luther* died, 1619, intestate, without Issue; *Abigail*, his Widow, required Administration and paid 44*l.* But being opposed by *Thomas Luther*, a Brother, she, at two several Times, gave Sir *John* 44*l.* more; and yet he granted Administration to her and *Thomas Luther* jointly; proved by the Examinations of *Thomas Tyler*, *William Owen*, and *Abigail* the Widow. But before Sir *John* joined *Thomas Luther* in Administration with the Widow, he promised Sir *John* one hundred Pounds; and, after he was joined, he gave him 120*l.* proved by *Thomas Luther*. For Allowance of the Administrator's Accompts, Sir *John* had 100*l.* to distribute amongst the Kindred of the Intestate, and 50*l.* for pious Uses, and seemed discontented he had not 50*l.* more. Proved by *John Worsley* and *Abigail* now his Wife.'

'*William Bannister* died intestate, 1615. His Widow gave to Sir *John Bennet* 30*l.* 16*s.* for Administration; proved by the Examinations of *William Richardson* and *James Goodshall*. *Hercules Wytham* claiming to be Executor by Will, first gave Sir *John* five Broad-Pieces; then *Samford*, Sir *John's* Man, undertook for twenty Pieces more to his Master and two to himself, to procure him a good End, which End was against the Will; proved by the Examination of *Hercules Wytham*.'

'Sir *William Whorewood* died seven Years past, *Field Whorewood*, a younger Son, and a Daughter offered to prove a Will. *Thomas Whorewood*, the elder Brother, offered to prove a second Will. *Badsor*, the Proctor, promised Sir *John* 100*l.* for his Hand to *Field Whorewood*, but paid only 34*l.*

An 19 James I. 1621. to him, and 6*l.* to his Man *Samford*. Proved by *John Badſor*. *Thomas Whorewood*, by Advice of *Samford*, gave Sir *John* 38*l.* yet Sir *John* gave Sentence againſt him. Proved by *Thomas Whorewood* and *John Batham*.'

'*George Sturges*, dying inteſtate, *Francis Sturges*, his Kinſman, offered Sir *John*, for Adminiſtration, 20*l.* in Gold, which Sir *John* ſaid was too light; then he gave him 40*l.* and had it granted. Proved by the Examinations of *Robert Davies*, *Robert Sturges*, and *Robert Labourne*.'

'*Philip Holman* died 1619, *Philip* his Son exhibited his Father's Will; a *Caveat* being entered, he ſent by *Kelvert* twenty Pieces to Sir *John Bennet*, which he accepted, and demanded 20*l.* more, which *Kelvert* promiſed but paid not. Proved by *Philip Holman* and *Richard Kelvert*, Proctor.'

'*James Lingard* died 1618, inteſtate; *John* his Brother, and *James* his Nephew contended for Adminiſtration. For 50*l.* paid Sir *John*, and 5*l.* to *Samford*, *John* the Brother obtained it; which, afterwards, was revoked. Proved by *William Baſs*, Proctor.'

'*Robert Sayers* died 1619, inteſtate, his Children Minors; *Simon Packhurſt* gave Sir *John*, by Direction of *Samford*, 20*l.* for Adminiſtration, *durante minore Ætate*; which was revoked two Days before *Packhurſt* was to have had a Cauſe heard in Chancery, which concerned that Eſtate. Proved by *William Baſs*, Proctor.'

'*Henry Ryley* died inteſtate, 1620, *John Ryley* ſued for Adminiſtration; he gave Sir *John Bennet* 5*l.* and Sir *John* procured from *John Ryley* nine Rings ſet with Diamonds, which were pawned to the Inteſtate for 30*l.* but were not worth ten. *Anthony Aſhley* and *Thomas Wells*, two Kinſmen of the Inteſtate, agreed with *Samford* to give Sir *John* 30*l.* and 10*l.* to *Samford*, to get Sir *John* to order them Part of the Inteſtate's Eſtate. Then he ordered them 300*l.* which *John Ryley* was forced to pay, and the ſaid 40*l.* for a Bribe to Sir *John* and his Man. Sir *John* had, beſides, a Piece of Plate,

Plate, which coſt 4*l.* 16*s.* 6*d.* to change the great Bond for true Adminiſtration. Proved by *John Ryley*, *Anthony Aſhley*, and *Thomas Wells*.' An. 19 Jacobi I. 1622.

'*Jane Corne*, Widow, died inteſtate, yet *Francis Winſcomb* pretended a Will. Sir *John* received of *William Pound*, *pendente Lite*, the Widow's next Kinſman, 40*l.* to grant him Adminiſtration, which this Deponent paid. Sir *John* would not give it unleſs he might have that Sum. Proved by *Lewis Laſhbroke*. The Deponent's Adminiſtrators in Truſt to perform her Will, for obtaining of Adminiſtration, gave 50*l.* in Hand to Sir *John*, and their Bond to pay 50*l.* more, three Months after; and 25*s.* for forbearing the laſt 50*l.* Proved by *John Lewis* and *Rowland Johnſon*.'

The Day being far ſpent, the Houſe was moved not to have any more read at that Time; whereupon the Priſoner was withdrawn, and it was ordered that he be brought there again To-morrow Morning.

A Meſſage from the Commons by Sir *Edward Cecil* and others.

'That the Houſe of Commons do deſire a free Conference touching the parliamentary Affairs of the Kingdom; which was agreed to by the Lords.' Afterwards Sir *Edward Cecil*, with Leave, explained himſelf, 'That the Conference is deſired to accommodate the Buſineſs of Parliament before the Receſs.' The Commons deſire a Conference touching the Receſs.

The Adjournment of the Houſe was put to the Queſtion, Whether to eight of the Clock To-morrow Morning, or at nine? Agreed, *per plures*, to be eight.

May 31. This Day a Bill was brought into the Houſe of Lords, and read once, entitled, *An Act that this Parliament ſhall not determine by the King's Royal Aſſent to ſome ſpecial Acts*. It was read a ſecond Time, and the ſame Day committed. Some other private Bills being alſo read, the Houſe proceeded in the Cauſe of Sir *John Bennet*; and the Attorney-

An. 19 James I. 1621. Attorney-General charged him with the following Proofs:

Further Proceedings againſt Sir John Bennet.

'That he received of Mr. *Meggs*, on the Behalf of Mrs. *Pitt*, for the Continuance of Adminiſtration granted to her, and ſought to be revoked, the Sum of 46 *l.* 13 *s.* 4 *d.* Proved by the Examination of *Edward Willet*.'

'He received of the Widow of *Hugh Lee*, for Adminiſtration of her Huſband's Goods; wherein ſhe was croſſed by a *Caveat*, put in by the Means of *Samford*, Sir *John's* Man, 35 *l.* Proved by the ſaid *Edward Willet*.'

'He received of Sir *Edward Scorey*, for the Adminiſtration of his Father's Goods, 100 *l.* Proved by Sir *Edward Scorey*.'

'He contracted with *Edmond Walton* to have 20 *l.* for the Adminiſtration of the Goods of *John Clovil*; and, the Money being brought, there fell 5 *l.* more out of his Pocket, caſually; whereupon Sir *John* alſo claimed that, and would not grant the Adminiſtration otherwiſe. Proved by *Edmond Walton*.'

'He received of Sir *John Brand*, for Adminiſtration of his Grand-Father's Goods, 50 *l.* and this was by way of Contract, Sir *John* preſſing to have more. Proved by *Thomas Newnam* and Sir *Robert Hitcham*.'

'He took of *William Auchmore*, for the Adminiſtration of the Goods of *Philip Auchmore*, 15 *l.* Proved by *Richard Williamſon*. And of *Thomas Allen*, for the Adminiſtration of his Father's Goods, 5 *l.* Proved by the ſame Witneſs.'

'He received of *Solomon* and *James Manſell*, for a Dividend out of their Brother's Eſtate, 20 *l.* and then gave them 300 *l.* out of an Eſtate of 8000 *l.* having received from the Widow of the Inteſtate, as ſhe confeſſed, 100 *l.* to the Intent that he ſhould allot them no more. Proved by *Solomon Manſell*.

'He had of *Samuel Feaſt*, for his Favour in proving a Nuncupative Will of *John Neaſt*, 10 *l.* and five Pieces at another Time; and forced him to pay

pay a Debt of 514 *l.* to one *Fiſhborne*, for which *Fiſhborne* had neither Speciality, nor ſo much as a Superſcription of the Teſtator in his Book. Proved by *Samuel Neaſt.* He alſo received of the ſaid *Samuel*, 60 *l.* for making a Report into the Court of Chancery. Proved by the ſame.' An. 19 James I. 1621.

'He received of *Heſter Mitchell*, for Adminiſtration of the Goods of her Father, 20 *l.* Proved by *William Baſs.*'

'*Flower Hanſhaw*, Widow, died inteſtate in 1615, poſſeſſed of a perſonal Eſtate of 11,249 *l.* 2 *s.* 7 *d.* and for the granting Adminiſtration of the ſaid Goods to *Benjamin Hanſhaw*, he delivered unto *Samford* 200 *l.* of which he verily believeth Sir *John Bennet* had the greateſt Part; beſides 90 *l.* 7 *s.* 7 *d.* to pious Uſes. Proved by the ſaid *Benjamin.*'

'*Andrew Moor*, about two Years ſince, died inteſtate; the Adminiſtration of whoſe Goods was, by Conſent of one *Clarke*, and others, granted to the eldeſt Brother of the ſaid *Moor*; for which Sir *John Bennet* had 60 *l.* beſides a Gratuity given to *Samford.* Proved by *William Oland* and *John Ode.*'

'*Humphrey Raſcarroch*, of *Pinkley*, by his Will, made *Philippa*, his Wife, Executrix, and died 1616; which Will being controverted, ſhe firſt gave 20 old Angels to Sir *John* to have the ſaid Will proved in common Form; and, for Sentence, gave four Pounds. Proved by *Richard Williamſon.*'

'Dr. *Thigh*, 13 *Jac.* made his laſt Will, died, and made *Mary* his Wife Executrix, upon Condition that ſhe ſhould prove the Will in due Form of Law. Mr. *Thigh*, Brother to the ſaid Doctor, could not have a Copy of the Will from Sir *John Bennet*, until he had given him ten Pieces; and afterwards, the ſaid Mr. *Thigh* having ſpent a great Part of his Eſtate about the Probat of the ſaid Will, and, being delayed therein, one *Lyſter*, Sir *John Bennet's* Man, ſaid unto the ſaid *Thigh*, That if he would give his Maſter 100 *l.* and a Gelding of 10 *l.* Value, beſides 10 *l.* to himſelf, then his Maſter, Sir *John Bennet*, would ſentence the Will for him.

Thigh

An. 19 James I. 1621.

Thigh answered he could not provide so much Money presently, but he would give good Bonds for the Payment thereof. *Lyster* would not take the Bonds, and told the other, if he would not bring his Master 40 Pieces, that then Dr. *Bancroft*, Brother to the said Executrix, should have Sentence. Whereupon he procured 15 Pieces, and brought them to Sir *John Bennet*; who would not accept thereof, saying, he would not take Paper for Gold. Upon this, Administration of the Goods of the said Dr. *Thigh* was granted unto *Mary* his Widow, by the Procurement of Dr. *Bancroft*; and, *Lyster* said, that a halting Proctor had brought Gold from *Bancroft*, which had overweighed him. Proved by *William Thigh*, *Thomas Styles*, and *Richard Moxley*.'

'Sir *Henry Middleton*, Knt. made his last Will, and therein made *David Middleton* and *Henry Middleton* his Son, Executors thereof. *Alice Middleton*, Wife of the said *David*, did give 40 *l.* to Sir *John Bennet* to have Administration of the Goods of the said Sir *Henry* granted to her, during the Minority of the said *Henry* the Son. Proved by *Richard Williamson*.'

'*Mary Hawley*, six Years ago, died intestate, possess'd of an Estate worth 6 or 700 *l.* *Robert Hanbury* gave Sir *John* 60 *l.* or more, for the Administration of the Goods, as was confessed by *John Wray*, on his Death-Bed. Proved by *John Fenwick* and *Elizabeth Hawley*.'

'That Mr. *Ashton*, by the Hands of *Philip King*, did give to Sir *John Bennet's* Lady, a *Spanish* Carconet, or Girdle, about the Value of 100 Marks, for the Kindness he had received from Sir *John Bennet* in an Administration. Proved by *Philip King*.'

'That *Richard Hawley*, about five Years since, dying intestate, and the Administration of his Goods being granted to one *Kenbury*, during the Minority of his Children, Sir *John* had 20 *l.* or 20 Pieces given him by the said *Kenbury*. Proved by *Thomas Gear*.'

'*George*

'*George Scarlet*, in 1615, died inteſtate: Sir *John* would not grant Adminiſtration of his Effects unto *Peter Scarlet*, until the ſaid *Peter* had given him 10 *l.* in Gold, in Hand, and 5 *l.* more to be paid ſhortly after; and it was paid accordingly. Proved by *Peter Scarlet*.' An. 19 James I. 1621.

The Attorney-General having read this Charge, the Lord Chief Juſtice demanded of Sir *John Bennet* what Anſwer he would make to the ſame; who ſpoke as follows:

I Come, in all Humility, to proſtrate myſelf at your Lordſhips Feet; if your Lordſhips expect a ſpeedy and perfect Anſwer, at this Time, I hope you will excuſe me, as being ſurprized with ſuch a Tempeſt of Afflictions. His Defence.

The Particulars of my Anſwer muſt run thro' the Compaſs of nineteen Years, the whole Time of my being Judge of the Prerogative Court of Canterbury; *which doth conſtrain me to beſeech your Lordſhips to give me ſome Time, not only to call to Mind the Acts of Judicature of my own Court, but alſo to confer with others.*

I humbly deſire to have a Copy of my Charge, and, what I am juſtly charged with, I will confeſs, after I have had Time to conſider thereof. Thoſe whereof I am otherwiſe accuſed, as of many, I deſire, as by the Law of Nations I ought, to have Liberty to peruſe the Accuſations ſo exhibited, to uſe croſs Interrogatories, to procure Witneſſes to be examined, and to have Council allowed me.

Laſtly, I humbly beg at your Lordſhips Hands, even for Juſtice ſake, Time proportionable to the Multitude of theſe Accuſations to make my Anſwer; and I doubt not ſo to extenuate them all, that, when your Lordſhips ſhall ſee and conſider the Ground of them, you will not hold me ſo foul and guilty a Man as I am accuſed for.

I am the firſt Eccleſiaſtical Office charged in this Manner; and whereas I am accuſed of taking Money to pious Uſes, amounting to a great Sum, I will engage my Life, that, upon Proclamation made there-

of,

An. 19 James I. 1621.

of, Proof cannot be produced of 4000 *l. which is not above* 200*l.* per Annum, *ever since I was Judge; whereof, if I cannot give a good Account, I will beg my Bread all my Life.*

The Priſoner being removed, the Houſe took into their Conſideration theſe Requeſts of Sir *John Bennet*; and, after Deliberation thereof, their Lordſhips were pleaſed to grant the ſame; thus far, *viz.*

The further Hearing thereof poſtponed to the next Acceſs of Parliament;

'1. That he ſhall have Time till the next Acceſs of Parliament to make his Defence. 2. Counſel to adviſe with only; but no Counſel here in Court to defend his Cauſe. 3. Liberty to examine Witneſſes, *ex ſua Parte*; but not to examine any upon croſs Interrogatories; and his Witneſſes to be ſworn in this Court, upon ſuch Interrogatories as he ſhall deliver and the Court allow. 4. To have Copies of the Heads of the Charge; but no Names of any Witneſſes or Proofs. 5. To have Leave at the Hearing to take Exceptions unto the Witneſſes produced againſt him; and their Names are to be delivered to him at that Time. 6. Liberty to ſearch the Records of his own Court, and his own Writings.'

And he is admitted to Bail.

It was alſo ordered, 'That Sir *John Bennet* may be admitted to Bail, on 20,000*l.* Bond, to be taken in Court, with ſuch Sureties as the Court ſhall allow of; and, if he cannot procure ſuch Bail, then to remain Priſoner with the Sheriffs of *London*.'

The Priſoner being called in again, and at the Bar, the Lord Chief Juſtice told him how far the Lords had granted his Requeſts; and alſo that their Lordſhips were pleaſed he ſhould be bailed as above. The Chief Juſtice did alſo admoniſh him not to impair his Eſtate, but that it remain in the ſame Plight as when he was firſt complained of in Court: Likewiſe to ſatisfy Mrs. *Scorey* for 1100*l.* which he had of her Money, left with him as a Depoſit; and to pay off the 1000*l.* which remains in his Hands of Sir *Thomas Bodley's* Legacy to the Univerſity of *Oxford*.

Unto which Sir *John* anſwered, *I do acknowledge the honourable Favour of this Court, in the Goodneſs*

and Grace of God to put me into your Hands, and these Favours towards me into your Hearts. Mrs. Scorey's *Money I confess due, and will give her Satisfaction for the same. As for the other* 1000 *l. I have performed as much as Sir* Thomas Bodley *required; having laid out other Monies for the University of* Oxford, *which I intended to have done, whatsoever I may do yet, had not these cross Misfortunes happened.* An. 19 James I. 1621.

As for my Bail; I am in Debt and Disgrace, and doubt whether I can procure Bail to enter into so great a Sum. I humbly beseech your Lordships that myself may be bound in 1000 *l. and my Sureties in* 1000 *l. more.*

The Prisoner being withdrawn, it was put to the Question, Whether the former Order touching his Bail should stand, or be altered according to his Request? And it was agreed the Order should stand.

Report of the Conference about adjourning the Parliament.

The same Day the Lord Treasurer reported the Conference with the Commons, Yesterday in the Afternoon; wherein his Lordship shewed how lively they expressed the Sorrow of that House for the Adjournment of the Parliament. 'Three Things at the Conference he particularly remembred: 1. Their Time and Diligence employed in this Parliament. 2. The Matter of Importance there handled. 3. Their Desire to have finished them; with an Enumeration of a Mass of Business which they have entered into. They also expressed their Grief and Passion, that they could not perform what they had promised for the Good of the Common-Wealth, and their earnest Desire that the like Correspondency might be held between them, which had subsisted all this Parliament. They desired to know how Bills rest with us, that we may also learn how Bills are with them, to the end such Bills may be prepared as are fittest to pass; and that we may advise together what Course is to be taken, not only touching the Bills, but also such other Matters as they have now in Hand.'

The Lords then sent a Message to the Commons,

An. 19 James I. 1621. to desire another Meeting and free Conference with them about the same Subject. At the same Time they sent down to them the Bill touching the Adjournment of the Parliament, which they had passed, and specially recommended it to be expedited with all possible Haste in their House. This was a Bill of a very extraordinary Nature; but there was no Occasion for it, as will appear in the Sequel.

May 31, *post Meridiem.* After one Bill was read a third Time, *That the County Palatine of* Durham *should have Knights, Citizens, and Burgesses to serve in the Commons House of Parliament*, it was put to the Question, and assented to; but it did not at this Time pass into a Law (*c*).

The Lords then considered that they were to meet the Commons, at a Conference, that Afternoon; and it was agreed, That, if the other House should make any new Propositions, to give them no Answer at that Time, but to consider thereof. It was also agreed, That the Lord Treasurer should report to them the State of the Bills, as they stand here, and to require the same Account from their House; to the end that those Bills may be prepared for the King's Assent, which are most necessary. Likewise to make Report to the House of this Conference. Accordingly,

The Lords being returned from the said Conference, the Lord Treasurer reported the same, 'That, after each House had acquainted the other with the State of the Bills, the Commons desired to have no Royal Assent to any Bills at this Time; because they do not know which to choose or prefer before another. They gave also many Reasons to have an Adjournment without the Royal Assent; and desired that the Parliament might be so adjourned, as that each House may have Power to accommodate Business against the next Access.'

A

(*c*) By *Stat.* 25 *Car.* II. *Cap.* 9, the County of *Durham* is enabled to send two Members, and the City two. The Election of the County to be as in other Counties: The Election for the City to be by the major Part of the Mayor, Aldermen, and Freemen present at the Election.

A Motion was made, that the Judges be ordered to distinguish between the Adjournment of a Parliament by the King, and an Adjournment by the Houses. Whereupon the Attorney-General came to the Clerk's Table, and read the Precedents of the 27th of *Elizabeth*, for the Adjournment of a Parliament by the Queen's Commission: And, having many more Precedents to read of the like Nature, it was ordered that they should be read the next Morning: Also the Lords, who were the Sub-Committee for Customs and Privileges, were ordered to search the Records for Precedents of the Form and Manner of Adjournments of Parliament. An. 19 James I. 1621.

June 1. After several Petitions were read, and some other Business done, the Attorney-General read divers more Precedents, out of the Journals, of the Forms for Adjournments of Parliaments. He shewed the Difference between an Adjournment and Prorogation; and that the Word *Prorogare* is oftentimes used for *Adjournare*; but the latter Word never for the former. He shewed also, that a Parliament being adjourned by the House, all Committees were still of Force, and the Bills remain *in Statu quo prius*; but an Adjournment, by Commission from the King, determines all Committees, and they cease till the next Sitting of the Court; but the Bills are preserved *in Statu quo prius*. Difference between an Adjournment and a Prorogation.

Then the Books and Writings belonging to the Gold and Silver-Thread Affair, which were found in the Office kept for executing that Commission, and brought into Parliament, were ordered to be delivered back to Sir *Edward Villiers*. And it was also order'd, That it be signified to the Commons, that the Lords do find him clear of those Matters, mentioned by them in their Declaration.

The Lord Chief Justice was ordered to admit Sir *John Bennet* to Bail, for his Appearance there at the next Access of Parliament; himself to be bound in 7000 *l.* Bond, and ten Gentlemen, nine of which were Knights, in 1200 *l.* each.

June 2. It was ordered that Sir *William Bird*, Knt. Doctor of Laws, shall execute the Place of Judge

An. 19 James I. 1621. of the Prerogative Court of *Canterbury*, in Stead of Sir *John Bennet*; but the Fees and Profits thereof to be answered to the said Sir *John*.

One *Kelvert* having informed the Lords of many Corruptions against Sir *John Bennet*, and offered to produce Proofs of many more, by the next Sitting of the Parliament, fears he shall be arrested, or otherwise deprived of his Liberty in the mean Time. It was ordered, 'That the said *Kelvert* shall not be arrested or confined for Debt, or otherwise; but if he be called before the High Commission Court, he shall appear and answer to such Matters as shall be objected against him, so as he be not restrained of his Liberty.'

The King's Speech to the Lords, on that Subject.

This Day the King came to the House, and, in a Speech to the Lords, took Notice, 'That upon '*Monday* last he sent a Message to them, and another to the Commons, declaring his Royal Pleasure for the Adjournment of the Parliament, and the Reasons thereof. He gave them Thanks for their Obedience to the Message, and the Acknowledgment of the King's Power to call, adjourn, and dissolve Parliaments: For not joining with the Commons in a Petition to his Majesty, as they desired, for a Non-Adjournment at this Time: Also for leaving the Form of the Adjournment unto him; and for expediting the Bill which his Majesty sent touching the Adjournment.

'His Majesty also took Notice of the Form of Adjournment, discussed in that House Yesterday, and that the Opinions of the Judges are, That the Adjournment by the King keeps the Parliament *in Statu quo prius* until the next Sitting; but that then no Committees were to meet: But if the Adjournment be by the House, then the Committees and other Matters do continue. That, in these Matters, the Judges and his Attorney are to be heard in that House; but yet the Privileges and Liberties of the Lords were to be maintained, and no Ways abridged.

'That out of princely Care to his People he gave much longer Warning of this Adjournment, than

'any

'any of his Predeceſſors had done, to the end that An. 19 James I. 1621.
'ſuch Bills as were moſt material to the Com-
'mon-Wealth, might, in the mean Time, be ex-
'pedited; eſpecially againſt Informers, and Writs
'of *Superſedeas* and *Certiorari*: But his Majeſty
'firſt demanding the Opinions of the Judges, they
'ſaid, he could do himſelf what thoſe two Bills
'required.

'That whereas ſome ſay, *No Good hath been*
'*done this Parliament, and ſhall they ſo return?*
'his Majeſty put the Lords in mind of the two
'Patents grievous to the Common-Wealth, of Inns
'and Gold and Silver-Thread, called in by him;
'and alſo this Parliament had cenſured the late
'Lord Chancellor; which is an Example to all
'other Judges.

'He affirmed, That, had the Commons made
'an humble Anſwer to him on the Adjournment,
'he would have granted them ten Days longer;
'but now he would not yield to their Requeſt:
'Yet, if the Lords thought that eight or ten Days
'more will expedite thoſe Bills that be now in the
'Houſe, he will grant it.'

Then his Majeſty was pleaſed to go into his Drawing-Room, that the Lords might more freely diſcuſs this Matter amongſt themſelves. And, taking it into Conſideration, they thought fit to adviſe with the Commons alſo therein; and ſent a Meſſage to them to deſire a free Conference with their whole Houſe, preſently, in the *Painted-Chamber*, on Matters of great Importance, wherein no Time was to be loſt.

The King being returned, the Lords humbly thanked his Majeſty for his gracious and free Offer; acquainted him with the Meſſage they had juſt ſent to the Commons; and beſought him to enlarge his Offer to this Day Fortnight. The King granted their Requeſt, with this Caution, 'That it
'be underſtood to be his own free Offer to give
'this Election to the People, either to have an
'Adjournment, or a longer Time to paſs ſome
'Bills, and ſo to make a Seſſion.'

An. 19 James I. 1621.

Post Meridiem. The Lords went to the Conference; and, being returned, the Lord Treasurer reported to the House: 'That the Lords having acquainted the Commons with his Majesty's free Grant of a Choice, Whether the Parliament should be adjourned on the 4th Instant, or continued for a Fortnight longer, and then prorogued? the Commons having considered of it, did acknowledge his Majesty's Power to call, adjourn, prorogue, and dissolve Parliaments, and his Majesty's Grace and Favour in granting this Election; for which they desired the Lords to join with them in grateful Thankfulness to the King.'

'Their humble Desire also is, That it would please his Majesty to adjourn the Parliament, the Form whereof they leave to him; because they have discharged their Committees, which they cannot now recollect so suddenly; neither will that Time suffice to bring to Effect the Affairs of great Importance which they had in Hand. They desired also to present his Majesty, with the Lords, three Petitions; first, for Matters of Trade, that is, that Manufactures may be distributed to the several Out-Parts of the Kingdom; Money not to be exported out of the Realm; that Ordnance may not be transported; lastly, they again renewed their former Request, that both the Houses may join in their Thanks to his Majesty.'

Both Houses desire an Adjournment only.

Then the Lords sent another Message to the Commons, to acquaint them, 'That they had considered of their Request, and had appointed a Committee of twelve Lords to join with a Committee of their House to present it to his Majesty that Afternoon, if he would be pleased to admit them to his Presence.' The Lords humbly desired his Royal Highness the Prince to present their Thanks to his Majesty; and the Archbishop of *Canterbury* was appointed, by joint Consent, to deliver the Requests of Lords and Commons to him at the same Time. Adjourned to *Monday*.

June 4. After some other Business of less Moment was done, the Lord Archbishop of *Canter-*

bury reported to the Lords, 'That Yesterday, in the Afternoon, the Committee of the Lords, accompanied with that from the Commons, according to the Order of the House, attended his Majesty; where it pleased the Prince's Highness to present unto him the humble Thanks of both Houses, for the Choice his Majesty gave them of an Adjournment, or a Prorogation, of the Parliament.' Aa. 19 James I. 1621.

'That then his Grace made known to his Majesty the Election of the Commons, *viz.* an Adjournment, with their Reasons for the same; and also presented unto him the three Petitions, recommended by the Commons: 1. Touching new Manufactures to be equally distributed to the Out-Parts of the Kingdom. 2. Concerning Bullion and Coin to be preserved in the Land. 3. Touching Iron Ordnance not to be exported.'

'That his Majesty graciously accepted the 'Thanks from both Houses; and notwithstanding that he called to Mind the Commons embraced not, as they ought to have done, his many 'Admonitions to expedite good Laws; and that 'they disputed the Reasons which he gave of the 'Adjournment of this Parliament, (all Power being in him to call, adjourn, prorogue, and dissolve Parliaments) yet his Majesty was pleased, 'according to the Choice the Commons had made, 'to adjourn this Parliament at this Time; the 'same to begin again in *November* next. In the 'mean Time he will, by his own Authority, redress the Abuses of Informers, and Writs of *Superseedeas* and *Certiorari*; which were intended 'to be reformed by the two Bills more especially 'recommended by him.' The King adjourns them accordingly.

'That his Majesty's Answers to the three Petitions of the Commons were: To the first, concerning the Enlargement or Dispersing of new Manufactures, which he never heard of before, he will consider thereof with his Council. To the second, touching Bullion and Coin, his Ma-

An. 19 James I. 1621. ‘ jesty would also advise with his Council, and re-
‘ dress it. And to the last, about Ordnance, some
‘ Care had been taken already, and more should
‘ be hereafter.’

Then his Grace presented his Majesty the hearty Prayers of both Houses, unto God, for his long Life and Prosperity. And the King, as general Bishop of the Land, did then also offer his Prayers to God for both Houses. Finally, he admonished them, ‘ That at their Return into the Country,
‘ they give his People good Satisfaction, both for
‘ the Proceedings and Adjournment of this Parlia-
‘ ment,’

According to an Order, made *June* 2, the Judges delivered their Opinions touching the Privileges of the House of Lords during the Session of Parliament: But, because it had not happened to their Knowledge, that ever the House was adjourned for so long a Time, as now it was intended to be; they could not satisfy their Lordships of any Precedent, for the Continuance of their Privileges during all the Time of this long Cessation.

Whereupon their Lordships delivered their Opinions, ‘ That the Lords do know that the Privileges of themselves, their Servants and Followers, do continue, notwithstanding the Adjournment of Parliament; and do adjudge the same to be observed in all Points accordingly.’ Ordered, That this Declaration shall be entered in the *Journals*, and a Copy of it sent to both the Compters to be published.

John Cranfield, a Prisoner in the *Fleet*, had been accused for speaking many ignominious and base Words against the Prince and Princess *Palatine* and the Lords of Parliament. A Committee had also been appointed to examine into the Truth of this Matter; and now the Archbishop reported from it, That they had examined divers Witnesses; which Examinations were read. Ordered, That the Warden of the *Fleet* shall keep the said *Cranfield* Prisoner there, so that he may be brought before the

the Houſe at the next Sitting of it, to be cenſured for his great Miſdemeanors. An. 19 James I. 1621.

A Petition of ſeveral Perſons, now or late, Priſoners in the *Fleet*, was read; complaining of great Wrongs, Violences, and barbarous Uſage in the Warden of the ſaid Priſon towards them, *&c.* *Alexander Harris*, the Warden, was brought to the Bar, when the Lord Chief Juſtice told him of his Miſdemeanors, and commanded him to uſe his Priſoners well according to his Duty. Afterwards he was bound in 2000 *l.* Bond for his Appearance at the next Sitting of the Parliament.

It was ordered, That the Lords Sub-Committees, as private Lords, may diſtribute the Money in the Poormen's Box; and the Money gathered from the Houſe towards the Pains of divers Gentlemen employed in ſearching Records. The abſent Lords to pay as much as the preſent, *viz.* each Earl or Viſcount 40 *s.* and each Biſhop and Baron, 20 *s.*

After theſe Orders, *&c.* were finiſhed, his Royal Highneſs the Prince, who, as we have obſerved before, never miſſed one Day's Attendance all this long Seſſion, produced the King's Commiſſion for the Adjournment of the Parliament. It was directed to himſelf and many other Lords, in the uſual Form, except one Clauſe, *viz.* *Sciatis tamen quod Nos, pro diverſis certis urgentibus Cauſis et Conſiderationibus Nos ſpecialiter moventibus, prædictum Parliamentum noſtrum, et* omnes Cauſas et Materias inceptas, et non adhuc terminatas, *adjournandum duximus.* By virtue of this Commiſſion, the Commiſſioners adjourned the Parliament to the 14th of *November* next enſuing. The Lord Chief Baron, with other Judges, were ſent to the Commons with the ſame Inſtrument, and withal to deliver this Meſſage: Form of the ſaid Adjournment.

'We are commanded to ſignify unto you, That 'his Majeſty's Pleaſure is, That all Committees, 'Matters, and Buſineſs of Parliament, ſhall reſt 'in the State they now are, until the next 'Meeting.'

An. 19 James I. 1621.

Wilson and *Rushworth* both inform us, That the House of Commons, immediately before their Recess, took into Consideration again the Affair of the *Palatinate*. And, lest the Slackness shewn in it should be laid to them, they unanimously agreed to draw up a Declaration of their Sentiments in this Matter.

The Motion for this Declaration was made in the House of Commons by Sir *James Perrot*; who said, 'That since his Majesty, at the Beginning of this Parliament, had made a Protestation, to adventure himself, his Son, and all his Estate for the Recovery of the *Palatinate*; we ought to make a public Declaration also, that at our next Access, we will, if the King require it, adventure ourselves and all our Estates to the same Purpose: Which Resolution, he hoped, when known abroad, would greatly facilitate his Majesty's Treaties with foreign Princes.'

This Motion was seconded by several other Members; particularly Sir *Robert Philips*, who said, 'They ought to declare, that if his Majesty shall not, by Peace, obtain the Settlement of true Religion, with the Restitution of the *Palatinate*, they would all undertake for the several Shires and Places for which they served, to adventure all their Fortunes, Lives, and Estates, for those Services.' And, upon the Speaker's Motion of this, every Member shewed his Approbation, by Acclamations, Waving of Hats, *&c.*

A Committee was immediately appointed, who withdrew to draw up a Form of a Declaration; which being read and approved on, the Speaker was ordered to leave a Copy of it with the King, as a Testimony of their Duty; and every Member took another Copy to carry away with him. The Declaration was in these Words:

The Commons Declaration for Recovery of the Palatinate:

THE Commons assembled in Parliament taking into most serious Consideration the present State of the King's Children Abroad, and the generally afflicted Estate of the true Professors of the same Christian Religion,

Religion, professed by the Church of England, *in Foreign Parts; and being touched with a true Sense and Fellow-Feeling of their Distresses, as Members of the same Body, do with unanimous Consent in the Name of themselves, and the whole Body of the Kingdom (whom they represent) declare unto his most Excellent Majesty, and to the whole World, their hearty Grief and Sorrow for the same; and do not only join with them in their humble and devout Prayers unto Almighty God, to protect his true Church, and to avert the Dangers now threatened; but also with one Heart and Voice do solemnly protest, that if his Majesty's pious Endeavours, by Treaty, to procure their Peace and Safety, shall not take that good Effect which is desired in Treaty; (whereof they humbly beseech his Majesty not to suffer any longer Delay) that then, upon Signification of his Majesty's Pleasure in Parliament, they shall be ready, to the utmost of their Powers, both with their Lives and Fortunes, to assist him; so as, by the Divine Help of Almighty God, (which is never wanting unto those, who, in his Fear, shall undertake the Defence of his own Cause) he may be able to do that with his Sword, which by a peaceable Course shall not be effected.* An. 19 James I. 1621.

Wilson writes, That the King took this Declaration of the Commons in very good Part, and intended, when Occasion should serve, to make a right Use of it. For as he found them forward enough to begin a War, so he knew his own Constitution backward enough, though the Sword was in his Hand; but did foresee an Advantage arising from a *Medium* between the Parliament and him, if he could bring his Designs about. This, our Author tells us, he put in Practice some Time after, but the Project broke all to Pieces in the Attempt (*d*). Which is agreeable to the King.

There is no Occasion to trouble the Reader with any Reflections on the late Proceedings in Parliament; since they sufficiently explain themselves.

(*d*) *Wilson* in *Kennet*, p. 738.

Ann. 19 James I. 1621.

selves. They prove, however, that Corruptions in Ministers, and other great Officers of State, are no new Things: And it is to be wish'd that Parliaments, in later Times, had more frequently applied themselves to the reforming such Abuses, with the same honest Zeal and Steadiness as their Forefathers.

Hitherto, in this Reign, Things have gone in a seeming peaceable Way, between Prince and People: The Parliament no sooner complained of a Grievance, but the King thought fit to redress it; and every Offender, they mark'd out in those Abuses, was given up to public Justice.

The Historian of this Reign (*e*) tells us, That in this very Parliament, the King carried all Things with a full Sail; the Pilots of the Common-Wealth having an Eye to the Dangers that lay in the Way. That, in both Houses, the King had a strong Party, especially in the House of Lords; all the *Courtiers* and most of the *Bishops* steered by his Compass. The Prince's Presence also, who was a constant Member, did cast an Awe amongst many of them; yet, he adds, there were some gallant Spirits that aimed at the public Liberty more than their own Interest. If any thing was spoken in the House, that did in the least reflect upon the Government, or touch, as the Courtiers thought, that *noli me tangere*, the Prerogative; those that moved it were snap'd up by them, though many Times they met with stout Encounters at their own Weapons. The principal of these were, continues our Authority, *Henry* Earl of *Oxford*, *Henry* Earl of *Southampton*, *Robert* Earl of *Essex*, *Robert* Earl of *Warwick*, the Lord *Say*, the Lord *Spencer*, and divers others, that supported the old *English* Honour, and would not let it fall to the Ground (*f*).

We need not descant upon the Partiality of this Writer, since the foregoing Enquiries into Parliamentary

(*e*) *Wilson* in *Kennet*.

(*f*) *Ibid.* p. 736. ——— *Rapin* deduces the Origin of Whigs and Tories from this Parliament, in his Dissertation on that Subject.

mentary Proceedings, from undoubted Authorities, may shew that the old *English* Honour, as he terms it, was in no such Danger of falling; except in the Indolence of the King and Government to revenge foreign Assaults, and the not carrying on a War to support the unhappy *Palatine* Family: For every Grievance, hitherto complained of by the Commons, was redressed; and, during this Recess of Parliament, if we may believe *Rushworth*, the King effectually made good his Promise to them, in clearing away every thing that might give Offence to the most zealous Patriots. The *Collector's* own Words will best evince the Truth of this Assertion. An. 19 James I. 1624.

'After the Recess of Parliament, the King, by Proclamation, declared his Grace to his Subjects in Matters of public Grievance: And taking Notice that many great Affairs, debated in Parliament, could not be brought to Perfection in so short a Time, and that the Commons thought it convenient to continue the same Session in Course of Adjournment; and withal observing, that divers of those Particulars required a speedy Determination and Settlement for his People's Good; and that they are of that Condition and Quality, as that he needeth not the Assistance of Parliament to reform the same; and would have reformed them before the Parliament; if the true State of his Subjects Grievances had been made known unto him; he hath determined, and doth declare an immediate Redress therein, by his own regal Authority, as in the Business of Informers, of Miscarriages of Ministers in Chancery, of the Patents of Gold and Silver-Thread, for licensing Pedlars and Petty-Chapmen, for the sole dressing of Arms, for the Exportation of Lists and Shreds, and for the sole making Tobacco-Pipes, Cards, and the like. And besides the Redress of these Grievances, he will enlarge his Grace unto other Kinds for his Subjects Ease: And that both his own, and the Ears of his Privy-Council, shall be open to his People's modest and just Complaints.'

'Moreover,

An. 19 James I. 1621.

'Moreover, a ſecond Proclamation was iſſued forth againſt Exceſs of licentious Speech touching State-Affairs: For, notwithſtanding the Strictneſs of the King's former Command, the People's inordinate Liberty of unreverend Speech increaſed daily. Wherefore the King threatned Severity, as well againſt the Concealers of ſuch Diſcourſes, as againſt the Boldneſs of audacious Tongues and Pens.'

Nothing material happening in the Government, during the Interval of the Receſs, but what will beſt appear in the Sequel, we ſhall proceed with our *Journals*.

A Proclamation was publiſhed (*g*), bearing Date from the Court at *Royſton*, *October* the 6th this Year, for an Adjournment of the Parliament from *November* the 14th to the 8th Day of *February* next coming. The Reaſon given for it was, the Seaſon of the Year and Weather making it unfit for the States of the Kingdom to aſſemble at that Time. But, by another Proclamation, from the ſame Authority, this Adjournment was altered, on certain urgent and important Occaſions, to the 20th of *November*; at which Time they were ſtrictly commanded to meet to do Buſineſs (*h*).

The Parliament meet again.

At this Acceſs of Parliament, five new created Lords were introduced to their Seats in the Houſe, with the uſual Ceremonies. Their Names and Titles were *Thomas* Lord *Darcy* of *Chich*, created Viſcount *Colcheſter*; *Henry* Lord *Hunſdon*, Viſcount *Rochford*; *Fulk Greville*, Lord *Brook*; *Edward Montagu*, Baron *Montagu* of *Boughton*; and *Lionel Cranfield* was made Baron *Cranford* of *Cranford* in *Bedfordſhire*. This laſt Perſon had been, ſome Time before, made Lord Treaſurer of *England* (*i*), and removed from his Place, in the Houſe, as

New Creations in the Peerage.

(*g*) *Rymer's* Public Acts, Tom. XVII. p. 324.
(*h*) *Ibid.* p. 326.
(*i*) He ſucceeded *Edward* Lord Viſcount *Mandeville*, (who held that Office not quite a Year, and was made Preſident of the Council) through the Intereſt of the Marquis of *Buckingham*, whoſe Relation he had married. *Cranfield* was originally a Citizen, and had been bred up in the Cuſtom-houſe. *Kennet*, p. 727.

as youngeſt Baron, to the Seat next above the Lord Preſident of the Council (*k*). An. 19 James I. 1621.

Then a Meſſage was ſent to the other Houſe, by Mr. Juſtice *Jones* and Mr. Serjeant *Crew*, *viz.* 'That his Majeſty, being abſent from Parliament, by reaſon of an Indiſpoſition of Health, had commanded the Lord Keeper to deliver his Pleaſure to both Houſes;' which the Lords thought fitter to be done at a Meeting: Therefore their Lordſhips did deſire ſuch a Meeting for that Purpoſe, in the *Painted-Chamber*, To-morrow at Two in the Afternoon, if that Time ſtands with their Convenience.' *Anſwer.* 'The Commons will attend the Service, at the Time and Place appointed.'

The Prince ſignified to the Houſe his Majeſty's Pleaſure, 'That when the Lord Keeper had ended his Speech to both Houſes, the Lord Treaſurer and Lord *Digby* ſhould ſecond the ſame.'

Sir *John Bennet* and *Alexander Harris* appeared to anſwer their Bail, and ſtand the Judgment of the Houſe.

Nov. 21. This Day was wholly taken up with the Meeting of the two Houſes in the *Painted-Chamber*. And, on the next, there was nothing material done, except, that the Lord Keeper, Lord Treaſurer, and Lord *Digby* were ordered to make Report of the Meſſage from the King, by them delivered Yeſterday at the Meeting of both Houſes, on *Saturday* Morning next.

Nov. 24. Accordingly this Day the Lord Keeper of the Great Seal, who was then Dr. *John Williams*, Biſhop of *Lincoln*, delivered the Report of his Speech, to both Houſes, in Form following:

May it pleaſe your Highneſs and this Noble Houſe,

The Lord Keeper, Williams, reports the King's Speech to both Houſes.

IF I had in my Breaſt the leaſt Drachm of thoſe high Thoughts, with the *Roman* Orator had in his, when he ſaid, *Nihil dixi quod dixiſſe pœnituit*, that he never ſpoke, in his Life, any one Word that he repented of, I ſhould not have been ſo unwilling

(*k*) *Journ. Proc. Camden's* Annals and *Dugdale's* Summons.

An. 19 James I. 1621. willing to make a Repetition of my other Day's Message, as by Order of the House I am obliged to do: For, in good Faith, my Performance thereof was so weak, that I had good Reason to desire it might be rather (for the Manner and all the Interest I had therein) buried in Oblivion, than revived with a second Repetition.

'And yet, considering, that the best Sacrifice I can offer up to this noble Company, is my Humility and Obedience. I will be unto myself, as *Phocion* was to *Demosthenes*, a Kind of Chopping-Knife, to cut off the Superfluities of that Declaration, which wearied all your Lordships the other Day.'

'I divided, according to my Method indeed, but his Majesty's Matter, the whole Narrative into six several Parts. 1. The Antecedent. 2. The Occasion. 3. The Pattern. 4. The Call. 5. The Form. And lastly, the Continuance of this present Assembly. One of these Parts I let fall in the Division, but took it up again in the Discourse and Narration.'

'My Antecedent comprehended the several Effects of his Majesty's gracious Care over the Kingdom, since the last Recess, or Departure, of this Assembly: How the three Petitions, presented from both Houses by my Lord's Grace of *Canterbury*, were really answered.'

1. 'That the Matter of Trade and Distribution of Manufactures to several Parts of the Kingdom was conveniently established. 2. The Importation of Bullion and Conservation of Coin within the Land was discussed, committed, and referred. And lastly, the Exportation of Iron Ordnance was firmly prohibited.'

'Then I presented to the Noble Houses the Proclamation of Grace, wherein were reformed six or seven and thirty several Matters complained of as public Grievances; all of them without the least Trucking or Merchandizing with the People: A thing usual in former Times; but, out of his Majesty's Zeal of Justice, and no other Consideration in the World, rooted out and eternally abolished.'

'And

'And here I croſs'd the Seas and touched upon the Reformation of *Ireland*, begun by a Platform projected by the Council of the one, and poliſhed by the Council of the other, and now to be perfected by Commiſſioners choſen out from both the Kingdoms. Theſe I called the Fruits of his Majeſty's Vocation, and the Antecedents of this Aſſembly.' An. 19 James I. 1621.

'The Occaſion of this Aſſembly I faſtned, partly, upon ſome Antecedents from abroad, but, principally, upon a Declaration at home; recorded and divulged far and near, by the Repreſentative Commonalty of this Kingdom. I know your Lordſhips have peruſed the ſame, their noble *Manifeſto* of the 4th of *June* laſt. This I made bold to analyze a little, and obſerved, without altering Phraſe or Word, four Circumſtances in the ſame: To the which I applied four Anſwers, warranted, to a Syllable, by his Majeſty's Directions; as, I hope, my Lords here of the Council will bear me Witneſs.'

1. 'His Majeſty was encouraged to travel a little longer in his pious Endeavours to procure a Peace, by way of Treaty: I declared, from him, that all this was done; I wiſh I could have ſaid as profitably as I could well ſay charitably.'

2. 'His Majeſty was beſought this Treaty might not be over much lingered and delayed. I ſhewed from the King, that no more it was; and produced for Teſtimony, the ſpeedy Return of that noble Lord employed in that Service.'

3. 'His Majeſty was petitioned, upon the Non-Proficiency of this Treaty and his pious Endeavours, to ſignify his Pleaſure in open Parliament. I told them, from the King, that this Petition was likewiſe granted; and was the principal Cauſe why both Houſes were now re-aſſembled.'

'Laſtly, His Majeſty is aſſured, upon this Signification, &c. which I ſhewed them, That peaceable Courſes are not ſo effectual, the Breaches being now grown ſo wide and deſperate. And thus I ſtated the Occaſion of this Re-aſſembly.'

'In

An. 19 James I. 1621.

'In the third Place, I touched upon an heroical Act of his Majesty, which I called a Pattern for this Assembly; and that is the Advancement of 40,000*l.* to keep together the Body of an Army in the *Lower Palatinate*; the which had otherwise been dissolv'd before this Parliament could be assembled. I noted that, without this, their Resolution had been lost; and so will all this be still without their further Resolution.'

'In the fourth, I excused the Call of this Assembly, which might seem to some Men not to be so punctual; and shewed them, that, like War itself, so are the Summons thereof accompanied with Disorder and Confusion. For, in Matters of this Nature, as I noted out of a good Author, *Quæ legitimum*, &c. Those Parliaments which stand upon their precise, *&c.* (*l*).'

'Fifthly, I touched upon the Form of this Assembly; which his Majesty's Pleasure was should rather be by ancient than modern Precedents, That all, *&c.* and all cunning and malicious Diversions avoided, for such Things, well know, there are in the World; they should, secondly, really, *&c.*

'In the last Place, I came unto the Continuance of this Assembly, which his Majesty limits, at this Time, to some seven or eight Days before *Christmas*; but renews again on the eighth of *February* next, to continue then for the enacting of Laws and perioding of these Reformations, as long as the Necessity of the State shall require the same.'

'And now I have presented your Lordships the natural Bird, as it came from the Nest, without so much as a Feather of my own Invention: For this is no Speech but only Minutes of his Majesty's Directions. I shall only add, first, my Preface, containing his Majesty's Indisposition rather than Absence; for absent his Majesty thought he could not be, as long as he was represented by such a Son: A Son, of whom I may say, as *Pliny* did of *Coccina*, *Parenti*

(*l*) This Paragraph and the next are left unintelligible, in the *Journals*, perhaps on Purpose: Because they seem to point at some Reflections, too strong to be recorded.

Parenti non minus ob alia charus, quam quod Filius sit, as dear to his Majesty, for many other Respects, as because he is his Son.' An. 19 James I. 1621.

'Then by double Prayer, the one to your Lordships, which I now repeat again and make for myself, for the Time past, present, and to come, to pardon the Weakness and innumerable Imperfections of your most unworthy Speaker; the other unto God, for his Holy Spirit to be present and president in this Assembly.'

After the Lord Keeper had ended his Report, the Lord *Digby* stood up, and made a short Repetition of that Part of his Speech, which his Lordship had delivered at the same Time, to both Houses, about the State of Affairs abroad, in the following Terms:

Lord Digby's Recital of his Speech upon the same Occasion.

IN the Delivery of the Message I had from the King, I presented these three Considerations; first, his Majesty's Proceedings and the Issue of them; next, the State of the Business at this present Time; and lastly, what Redress was fittest to be done.

'I begun with his Majesty's Proceedings from the unfortunate Overthrow at *Prague*. Upon the News of which his Majesty, instantly, considered what was to be done, and resolved that the best was, to keep the Princes of the Union in Arms; and, to continue their Army, his Majesty sent them 30,000 *l.* by *Albertus Morton*. Then his Majesty sent to Sir *Edward Villiers* into *Silesia*, to fetch the *Palsgrave's* Submission unto the Emperor, upon such Conditions as his Majesty should think fit.'

'His Majesty then, also, sent me unto the Archduke *Albertus*, to propose a Reconciliation; and sent to him the first, because he had the greatest Stroke in the Affairs of the Empire, and greatest Command over the *Spanish* Army; in regard the Emperor had all his Greatness, saving a few little Provinces, by Resignation from the said Archduke.'

An. 19 James I. 1621.

'The Archduke willingly assented unto a Reconciliation, in favour of his Majesty; and, to that End, the Archduke writ Letters to the Emperor and King of *Spain*. In the *Interim*, the Princes of the Union grew to disband; whereupon, the Archduke, to shew his Willingness to a Reconciliation, did procure *Spinola* to cease from the War. By those Means the *Palatinate* was saved, which otherwise had been lost, and this Cessation continued all the Life-time of the Archduke.'

'Sir *Edward Villiers* and I returned into *England* about the same Time; I bringing with me the Cessation from War, and he the *Palsgrave's* Submission. And now the Business was ready for a general Treaty, which his Majesty, at the first, intended to have with the Emperor touching the Reconciliation; and I was employed in that Errand, accompanied with Letters of Recommendation from the Kings of *France*, *Spain*, *Poland*, and *Denmark*.'

'The Propositions which I was to make to the Emperor were, That the *Palsgrave* should be restored to his Lands and Honours, in all Points, as he enjoyed them when he married his Majesty's Daughter: The *Palsgrave* submitting himself to the Emperor, upon such Conditions as the Emperor and his Majesty should agree on.'

'The Emperor answered, That he was willing to gratify his Majesty's Demands, for the great Moderation which he found in his Majesty in the Business of *Bohemia*, so as the King would undertake for the *Palsgrave's* Submission. But the Emperor referred the Conclusion of this Business unto the Diet.'

'Then I made a second Proposition, *viz.* That War might cease until Matters were debated by the Diet. Unto which the Emperor answered, That he did not take it to be War or Hostility that he waged against the *Palsgrave*. Yet, in Favour to his Majesty, he would agree to a Cessation.'

'After

'After this, the Emperor haſtening the Diet, the Princes denied their Appearance at the ſame, in regard they were under ſuch Concern as to look to themſelves and ſtand upon their Guard. Whereupon I moved the Emperor to ſend to every Prince particularly, and acquaint him with his Majeſty's Propoſitions; which the Emperor did accordingly.' An. 19 James I. 1621.

'Upon Anſwer from the Princes, the Emperor wrote his Letter to his Majeſty, in Anſwer to the Propoſitions, which I received, thinking all Buſineſs had, in Effect, been fully concluded on. In which Letters there was contained, That the Emperor had written to the Duke of *Bavaria* and the *Infanta*, for a Ceſſation from Arms; and that himſelf had granted a Promiſe, either to procure Count *Mansfield* to lay down his Arms, or elſe that his Majeſty would declare Count *Mansfield* an Enemy. In theſe Letters, alſo, the Emperor did write, That he would not take up Arms again, until three Months after he had given Notice to his Majeſty that he would renew the War.'

'Then I ſhewed the Reaſon why the Emperor would not agree to any Truce, without the Duke of *Bavaria*: Firſt, in regard of the Emperor's Agreement in the Beginning of the Troubles, neither to make Peace nor War without the Conſent of the ſaid Duke; which happened becauſe that upon the former Truce made with the ſaid Duke, the Soldiers that were in the *Lower Palatinate*, and wanted Employment, came up into the *Higher*, and much infeſted the Duke of *Bavaria*. Secondly, in regard the ſaid Duke had a great Part of *Auſtria* in Pledge for his Satisfaction. Thirdly, becauſe the Emperor was barred out of all Paſſage but through *Bavaria*, *Bethlem-Gabar*, *Renſorpe*, and *Budianus*.'

'I coming to Count *Mansfield* to treat with him about laying down his Arms, found plainly, That the Duke of *Bavaria* had, from the Beginning, affected to get unto himſelf the *Palatinate* and the Title of Elector.'

An. 19 James I. 1621.

'The Duke of *Bavaria*, in his Letters which he wrote to me, upon Receipt of the Emperor's Letter to him concerning the Truce, did discover this Intention: For he wrote, That I should not need to labour for a Truce, for the Wars were at an End; in that he had agreed with Count *Mansfield*, so that he doubted not but to keep both the *Palatinates* in Peace, until the Emperor and the *Palsgrave* had agreed. And here, I noted, That this *Answer* was a bitter *Oraison*.'

'The *Infanta* refused to have a Peace, and acquainted me, that such was the Emperor's Mind also; whereupon I observed, That the Emperor's Answers to his Majesty's Propositions had been deferred; so that now it was come, either that his Majesty should leave his Children or else denounce War.'

'Touching the present State of the *Palatinate*, I shewed, That Count *Mansfield* was come down into the lower Part with 16,000 Men, and Sir *Horace Vere* had about 5000; all these having endured the Hardships of War for near two Years. And here I observed, That much was saved by these Means, which must have been spent in raising, arming, and carrying over so many thousand Soldiers into that Place.'

'I said further, That the People of the *Palatinate* had lived free from Oppression and Rapine under the *Spanish* Army; and that therefore some speedy Course was to be taken for sending of Money thither, lest *Mansfield's* Soldiers, thro' Want, should be driven to fall to spoil those of the *Palatinate*, and breed a Liking in them to the *Spanish* Government. I noted further, That Count *Mansfield's* Army did not consist of Men, which fought for their Country, Wives, or Children, but for Money; which they must have speedily, or they are gone: And if the Count, for want of Pay, should take a Dislike, he might, for Honour, or other Reward, fall off to the Emperor, and then all were lost.'

'I also briefly described unto them the present State of all *Christendom*; the Power of the Emperor, and of the five Armies maintained by the King

King of *Spain*: That the Forces of the Princes of the Union were disbanded; and that the Catholic League did continue to hold firm.' An. 19 James I. 1621.

'I observed how bravely Sir *Horace Vere* and Captain *Borough* had behaved themselves of late in the *Palatinate*; and that, by the Wisdom and Valour of Sir *Horace*, *Heidelbergh* was kept from the Enemy, being a Place of small Strength; *Mainham*, a very strong Town; *Frankendale*, which had endured a Month's Siege, and *Worms*; which is the present State of the *Palatinate*.'

'Touching what Redress was fittest, I concluded, That it was proper to cherish and keep up that Army which is already there, which must be with Supplies of Money; and that more Forces must be prepared against next Spring, so as we might have there an Army of our own, to the Strengthening the *Palatinate*, and Encouragement of the Princes of the Union. This I recommended unto them, and wished that every one would shew his Zeal and Affection to his Majesty therein.'

The Lord Treasurer next made his Report of the Message, which he delivered to both Houses, to this Effect: The Lord Treasurer's Report of his Message relating to the Supply.

'That his Lordship declared unto them the present State of the Exchequer, and Smallness of his Majesty's Revenues; and that the two Subsidies, granted this Parliament, were spent about the *Palatinate*.'

'That the Business, now in Hand, required a great and a speedy Supply, wherein his Majesty had taken some Course out of his own; and his Lordship doubted not but that the Commons would add thereunto, and perform what they had so nobly promised in their Manifesto; the Disposing whereof they need not to doubt of, but that his Majesty intended the same to be wholly employed for the Recovery of the *Palatinate*.'

'Lastly, he wished that the Commons would so handle this Business, as to make his Majesty in Love with Parliaments.'

An. 19 James I. 1621.

These several Reports being made, the Lords proceeded to regulate Committees on divers Bills; which, with some other Matters of less Moment, concluded the Business of that Day.

November 26. Nothing being done this Day, nor in the several Days following, in the House of Lords, but hearing Complaints and redressing Matters of Privileges, *&c.* it may be necessary to examine into the Behaviour of the Commons at this Juncture.

The first Day's Debates are very long, and turn chiefly on the State of the *Palatinate*, and of Religion in *Germany*; but say no more of the former than what is already given in Lord *Digby's* Declaration.

Which, notwithstanding, moves heavily in the Commons.

Notwithstanding these pressing Remonstrances, from the Ministry, of the Exigencies of State, the Commons were in no Haste to grant Supplies; but, instead thereof, went upon the old Topics of Grievances and the Means to redress them. The principal Point of which was the Growth of *Popery* in the Kingdom; which they were at this Time more earnest to insist on, because the great Match, between Prince *Charles* and the *Infanta* of *Spain*, was then on the Carpet. The Commons, to shew their Dislike to this Conjunction, drew up a long Remonstrance against *Popery* in general, and the evil Effects which might accrue to the Nation by this Match in particular.

Wilson informs us, 'That the King, hearing the House of Commons were hammering upon this Remonstrance, went to *Newmarket*; a cold and bleak Air, in as cold and bleak a Season, pretending his Health; but indeed, says that Author, to be farther from the Sound of that Noise which perpetually possessed his Ears, of the Discontent of the Commons to this Match. He adds, That as the Business grew up, he had Intimation of it from his Creatures in the House; who aggravated the Matter to the King with all the Acrimony they could; so far as to reflect upon particular Persons

who

who were the moſt active Inſtruments in it. The Petition and Remonſtrance itſelf, tho' not preſented, is yet preſerved in *Wilſon* and *Ruſhworth*; and claims a Place in theſe Enquiries. An. 19 James I. 1621.

Moſt Gracious and Dread Sovereign,

Their Petition and Remonſtrance againſt Popery, the Spaniſh Match, &c.

WE your Majeſty's moſt humble and loyal Subjects, the Knights, Citizens, and Burgeſſes, now aſſembled in Parliament, who repreſent the Commons of your Realm, full of hearty Sorrow to be deprived of the Comfort of your Royal Preſence, the rather, for that it proceeds from the Want of your Health, wherein we all unfeignedly do ſuffer; in all humble Manner calling to Mind your gracious Anſwer to our former Petition concerning Religion, which, notwithſtanding your Majeſty's pious and princely Intentions, hath not produced that good Effect, which the Danger of theſe Times doth ſeem to us to require: And finding how ill your Majeſty's Goodneſs hath been requited by Princes of different Religion, who even in Time of Treaty, have taken Opportunity to advance their own Ends, tending to the Subverſion of Religion and Diſadvantage of your Affairs, and the Eſtate of your Children: By reaſon whereof, your ill-affected Subjects at Home, the Popiſh Recuſants, have taken too much Encouragement, and are dangerouſly encreaſed in their Number and in their Inſolencies. We cannot but be ſenſible thereof, and therefore humbly repreſent what we conceive to be the Cauſes of ſo great and growing Miſchiefs, and what be the Remedies.

I. *The Vigilancy and Ambition of the* Pope *of* Rome, *and his deareſt Son; the one aiming at as large a Temporal Monarchy, as the other at a Spiritual Supremacy.*

II. *The Deviliſh Poſitions and Doctrines, whereon* Popery *is built, and taught with Authority to their Followers, for Advancement of their Temporal Ends.*

III. *The diſtreſſed and miſerable Eſtate of the Profeſſors of true Religion in Foreign Parts.*

IV. *The diſaſterous Accidents to your Majeſty's Children Abroad, expreſſed with Rejoicing, and even with Contempt of their Perſons.*

An. 19 James I, 1621.

V. *The strange Confederacy of the Princes of the Popish Religion, aiming mainly at the Advancement of theirs, and subverting of ours, and taking the Advantages conducing to that End upon all Occasions.*

VI. *The great and many Armies raised and maintained at the Charge of the King of* Spain, *the Chief of that League.*

VII. *The Expectation of the Popish Recusants of the Match with* Spain, *and feeding themselves with great Hopes of the Consequences thereof.*

VIII. *The interposing of Foreign Princes and their Agents, in the behalf of Popish Recusants, for Connivance and Favour unto them.*

IX. *Their open and usual Resort to the Houses, and, which is worse, to the Chapels of Foreign Ambassadors.*

X. *Their more than usual Concourse to the City, and their frequent Conventicles and Conferences there.*

XI. *The Education of their Children in many several Seminaries and Houses of their Religion, in Foreign Partt, appropriated to the* English *Fugitives.*

XII. *The Grants of their just Forfeitures intended by your Majesty, as a Reward of Service to the Grantees; but, beyond your Majesty's Intention, transferred or compounded for; at such mean Rates, as will amount to little less than a Toleration.*

XIII. *The licentious printing and dispersing of Popish and seditious Books, even in the Time of Parliament.*

XIV. *The Swarms of Priests and Jesuits, the common Incendiaries of all* Christendom, *dispersed in all Parts of your Kingdom.*

And from these Causes, as bitter Roots, we humbly offer to your Majesty, that we foresee and fear there will necessarily follow very dangerous Effects both to Church and State. For,

I. *The Popish Religion is incompatible with ours, in respect of their Positions.*

II. *It draweth with it an unavoidable Dependency on Foreign Princes.*

III. *It*

III. *It openeth too wide a Gap for Popularity, to any who shall draw too great a Party.* An. 19 James I. 1621.

IV. *It hath a restless Spirit, and will strive by these Gradations; if it once get but a Connivance, it will press for a Toleration; if that should be obtained, they must have an Equality; from thence they will aspire to Superiority, and will never rest till they get a Subversion of the true Religion.*

The Remedies against these growing Evils, which, in all Humility, we offer unto your most Excellent Majesty, are these:

I. *That seeing this inevitable Necessity is fallen upon your Majesty, which no Wisdom or Providence of a peaceable and pious King can avoid; your Majesty would not omit this just Occasion, speedily und effectually to take your Sword in your Hand.*

II. *That once undertaken upon so honourable and just Grounds, your Majesty would resolve to pursue, and more publicly avow, the aiding of those of our Religion in Foreign Parts; which doubtless would reunite the Princes and States of the Union, by these Disasters disheartened and disbanded.*

III. *That your Majesty would propose to yourself to manage this War with the best Advantage, by a Diversion or otherwise, as in your deep Judgment shall be found fittest; and not to rest upon a War in these Parts only, which will consume your Treasure, and discourage your People.*

IV. *That the Bent of this War, and Point of your Sword, may be against that Prince (whatsoever Opinion of Potency he hath) whose Armies and Treasures have first diverted, and since maintained the War in the* Palatinate.

V. *That for securing of our Peace at Home, your Majesty would be pleased to review the Parts of our Petition, formerly delivered unto your Majesty, and hereunto annexed; and to put in Execution, by the Care of choice Commissioners to be thereunto especially appointed, the Laws already and hereafter to be made for preventing of Dangers by Popish Recusants, and their wonted Evasions.*

VI. *That*

An. 19 James I. 1621.

VI. *That to frustrate their Hopes for a future Age, our most noble Prince may be timely and happily married to one of our own Religion.*

VII. *That the Children of the Nobility and Gentry of this Kingdom, and of others ill-affected and suspected in their Religion, now beyond the Seas, may be forthwith called Home by your Means, and at the Charge of their Parents or Governors.*

VIII. *That the Children of Popish Recusants, or such whose Wives are Popish Recusants, be brought up, during their Minority, with Protestant Schoolmasters and Teachers, who may sow, in their tender Years, the Seeds of true Religion.*

IX. *That your Majesty will be pleased speedily to revoke all former Licences for such Children and Youth to travel beyond the Seas, and not grant any such Licence hereafter.*

X. *That your Majesty's learned Counsel may receive Commandment from your Highness, carefully to look into former Grants of Recusants Lands, and to avoid them, if by Law they can; and that your Majesty will stay your Hand from passing any such Grants hereafter.*

This is the Sum and Effect of our humble Declaration, which we (no Ways intending to press upon your Majesty's undoubted and regal Prerogative) do with the Fulness of our Duty and Obedience, humbly submit to your most Princely Consideration: The Glory of God, whose Cause it is; the Zeal of our true Religion, in which we have been born, and wherein (by God's Grace) we are resolved to die; the Safety of your Majesty's Royal Person, who is the very Life of your People; the Happiness of your Children and Posterity; the Honour and Good of the Church and State, dearer unto us than our own Lives, having kindled these Affections truly devoted to your Majesty.

And seeing out of our Duty to your Majesty, we have already resolved to give, at the End of this Session, one entire Subsidy, for the present Relief of the Palatinate *only, to be paid in the End of* February *next,*

next, which cannot well be effected but by passing a Bill in a Parliamentary Course before Christmas; *we most humbly beseech your Majesty (as our assured Hope is) that you will then also vouchsafe to give Life, by your Royal Assent to such Bills, as before that Time shall be prepared for your Majesty's Honour, and the Good of your People: And that such Bills may be also accompanied (as hath been accustomed) with your Majesty's gracious Pardon which (proceeding from your own meer Grace) may, by your Highness's Direction, be drawn to that Latitude and Extent, as may best sort with your Majesty's Bounty and Goodness. And that not only Felons and criminal Offenders may take Benefit thereof, but that your good Subjects may receive Ease thereby. And if it shall so stand with your good Pleasure, That it may extend to the Relief of the old Debts and Duties to the Crown before the first Year of your Majesty's Reign; to the Discharge of Alienations without Licence, and misusing of Liveries and* Oustre le Maine, *before the first Summons of this Parliament; and of concealed Wardships, and not suing of Liveries, and* Oustre le Maines, *before the Twelfth Year of your Majesty's Reign. Which gracious Favour would much comfort your good Subjects, and ease them from Vexation, with little Loss or Prejudice to your own Profit.*

An. 19 James I. 1621.

And we, by our daily and devout Prayers to the Almighty, the great King of Kings, shall contend for a Blessing upon our Endeavours; and for your Majesty's long and happy Reign over us; and for your Children's Children after you, for many and many Generations.

We are told that when this Remonstrance was perfected by the Commons, the King had a Copy of it before the House had Time to send their Messengers with it. In which some Things so highly displeased him, that he instantly dispatched the following Letter to the Speaker, to forbid the sending of it.

To

An. 19 James I. 1621. *To our Trusty and Well-beloved Sir* Thomas Richardson, *Knight, Speaker of the House of Commons.*

Mr. Speaker,

The King's Letter to the Speaker to forbid the Presentment thereof.

'WE have heard, by divers Reports, to our great Grief, that our Distance from the Houses of Parliament, caused by our Indisposition of Health, hath emboldened some fiery and popular Spirits of some of the House of Commons, to argue and debate publicly of Matters far above their Reach and Capacity, tending to our high Dishonour, and Breach of Prerogative Royal. These are therefore to command you to make known, in our Name, unto the House, That none therein shall presume henceforth to meddle with any thing concerning our Government, or deep Matters of State; and, namely, not to deal with our dearest Son's Match with the Daughter of *Spain*, not to touch the Honour of that King, or any other our Friends and Confederates: And also not to meddle with any Man's Particulars, which have their due Motion in our ordinary Courts of Justice. And whereas we hear, they have sent a Message to Sir *Edwin Sandys*, to know the Reasons of his last Restraint; you shall in our Name resolve them, that it was not for any Misdemeanor of his in Parliament: But to put them out of Doubt of any Question of that Nature, that may arise among them hereafter, you shall resolve them in our Name, That we think ourself very free and able to punish any Man's Misdemeanors in Parliament, as well during their Sitting as after: Which we mean not to spare hereafter, upon any Occasion of any Man's insolent Behaviour there that shall be ministered unto us: And if they have already touched any of these Points, which we have here forbidden, in any Petition of theirs, which is to be sent unto us, it is our Pleasure that you shall tell them, That except they reform it before it come to our Hands, we will not deign the Hearing, not Answering of it.'

Dated at Newmarket, Dec. 3, 1621.

Upon

Upon the Receipt of this Letter, the Commons were in a great Buſtle; and diſpatched Meſſengers immediately, to bring back thoſe they had ſent with their Remonſtrance to deliver to the King. Afterwards they drew up the following Petition, which they ſent along with their former, by twelve of their Members (*m*). An. 19 James I. 1621.

Moſt Dread and Gracious Sovereign,

Their ſecond Remonſtrance thereupon.

WE your moſt humble and loyal Subjects, the Knights, Citizens, and Burgeſſes, aſſembled in the Commons Houſe of Parliament, full of Grief and unſpeakable Sorrow, through the true Senſe of your Majeſty's Diſpleaſure, expreſſed by your Letter lately ſent to our Speaker, and by him related and read unto us: Yet comforted again with the Aſſurance of your Grace and Goodneſs, and of the Sincerity of our own Intentions and Proceedings, whereon with Confidence we can rely; in all Humbleneſs beſeech your moſt Excellent Majeſty, that the Loyalty and Dutifulneſs of as faithful and loving Subjects as ever ſerved, or lived under a gracious Sovereign, may not undeſervedly ſuffer by the Miſinformation of partial and uncertain Reports, which are ever unfaithful Intelligencers: But that your Majeſty would, in the Clearneſs of your own Judgment, firſt vouchſafe to underſtand from ourſelves, and not from others, what our humble Declaration and Petition (reſolved upon by the univerſal Voice of the Houſe, and propoſed, with your gracious Favour, to be preſented unto your Sacred Majeſty) doth contain. Upon what Occaſion we entered into Conſideration of thoſe Things which are therein contained, with what Dutiful Reſpect to your Majeſty and your Service, we did conſider thereof, and what was our true Intention thereby. And that when your Majeſty ſhall thereby truly diſcern our dutiful Affections, you will, in your Royal Judgment, free us from thoſe heavy Charges, wherewith ſome of our Members are burthened, and wherein the whole Houſe is involved.

And

(*m*) *Wilſon* ſays it was reported, That, when the King heard of this ſecond Remonſtrance, he called for *twelve Chairs*, ſaying, there were *twelve Kings* a coming.

An. 19 James I. 1621.

And we humbly beſeech your Majeſty, that you would not hereafter give Credit to private Reports, againſt all or any of the Members of our Houſe, whom the whole have not cenſured, until your Majeſty have been truly informed thereof from ourſelves: And that in the mean Time, and ever, we may ſtand upright in your Majeſty's Grace and good Opinion, than which no worldly Conſideration is or can be dearer unto us.

When your Majeſty had re-aſſembled us in Parliament by your Royal Commandment, ſooner than we expected; and did vouchſafe, by the Mouths of three honourable Lords, to impart unto us the weighty Occaſions moving your Majeſty thereunto; from them we did underſtand theſe Particulars, viz.

That notwithſtanding your princely and pious Endeavours to procure Peace, the Time is now come that Janus *Temple muſt be opened.*

That the Voice of Bellona *muſt be heard, and not the Voice of the Turtle.*

That there was no Hope of Peace, nor any Truce to be obtained, no not for a few Days.

That your Majeſty muſt either abandon your own Children, or engage yourſelf in a War; wherein Conſideration is to be had, what Foot, what Horſe, what Money will be ſufficient.

That the Lower Palatinate *was ſeized upon by the Army of the King of* Spain, *as Executor of the* Ban *there, in quality of Duke of* Burgundy, *as the* Upper Palatinate *was by the Duke of* Bavaria.

That the King of Spain, *at his own Charge, had now at leaſt five Armies on Foot.*

That the Princes of the Union were diſbanded; but the Catholic League remained firm, whereby thoſe Princes, ſo diſſevered, were in Danger, one by one, to be ruined.

That the Eſtate of thoſe of our Religion in foreign Parts was miſerable; and, out of theſe Conſiderations, we were called to a War; and forthwith to adviſe for a Supply for keeping the Forces in the Palatinate *from being diſbanded; and to foreſee the Means for*

for raising and maintaining the Body of an Army, for the War, against the Spring. We therefore, out of Zeal to your Majesty and your Posterity, with more Alacrity and Celerity than ever was precedented in Parliament, did address ourselves to the Service commended unto us. And altho' we cannot conceive, that the Honour and Safety of your Majesty and your Posterity, the Patrimony of your Children invaded and possessed by their Enemies, the Welfare of Religion, and State of your Kingdom, are Matters at any Time unfit for our deepest Consideration in Time of Parliament: And altho', before this Time, we were in some of these Points silent; yet being now invited thereunto, and led on by so just an Occasion, we thought it our Duties to provide for the present Supply thereof, and not only to turn our Eyes on a War abroad, but to take Care for the securing of our Peace at home; which the dangerous Increase and Insolency of Popish Recusants apparently, visibly, and sensibly did lead us unto. The Consideration whereof did necessarily draw us truly to represent unto your Majesty, what we conceive to be the Causes, and what we feared would be the Effects, and what we hoped might be the Remedies of these growing Evils; among which, as incident and unavoidable, we fell upon some Things, which seem to touch upon the King of Spain; *as they have Relation to Popish Recusants at home, to the Wars by him maintained in the* Palatinate *against your Majesty's Children, and to his several Armies now on Foot; yet, as we conceived, without Touch of Dishonour to that King, or any other Prince, your Majesty's Confederate.* An. 19 James I. 1621.

In the Discourse whereof we did not assume to ourselves any Power to determine of any Part thereof, nor intend to incroach or intrude upon the sacred Bounds of your Royal Authority; to whom, and to whom only, we acknowledge it doth belong to resolve of Peace and War, and of the Marriage of the most Noble Prince your Son: But as your most loyal and humble Subjects and Servants, representing the whole Commons of your Kingdom, (who have a large Interest in the happy and prosperous Estate of your

An. 19 James I. 1621. *your Majesty, and your Royal Posterity, and of the flourishing Estate of our Church and Common-Wealth) did resolve, out of our Cares and Fears, truly and plainly to demonstrate these Things to your Majesty, which we were not assured could otherwise come so fully and clearly to your Knowledge; and that being done, to lay the same down at your Majesty's Feet, without Expectation of any other Answer of your Majesty, touching these higher Points, than what at your good Pleasure, and in your own Time, should be held fit.*

This being the Effect of what we had formerly resolved upon, and these the Occasions and Reasons inducing the same, our humble Suit to your Majesty, and Confidence is, That your Majesty will be graciously pleased to receive, at the Hands of these our Messengers, our former humble Declaration *and* Petition, *and vouchsafe to read, and favourably to interpret the same; and that to so much thereof as containeth our humble* Petition *concerning Jesuits, Priests, and Popish Recusants, the Passage of Bills, and granting your Royal Pardon, you will vouchsafe an Answer unto us.*

And whereas your Majesty, by the general Words of your Letter, seemeth to restrain us from intermeddling with Matters of Government, or Particulars which have their Motion in Courts of Justice; the Generality of which Words, in the Largeness of the Extent thereof, (as we hope beyond your Majesty's Intention) might involve those Things, which are the proper Subjects of Parliamentary Occasions and Discourse.

And whereas your Majesty doth seem to abridge us of the ancient Liberty of Parliament, for Freedom of Speech, Jurisdiction, and just Censure of the House, and other Proceedings there, (wherein, we trust in God, we shall never transgress the Bounds of loyal and dutiful Subjects) a Liberty which, we assure ourselves, so wise and so just a King will not infringe, the same being our ancient and undoubted Right, and an Inheritance received from our Ancestors; without which

we

we cannot freely debate, nor clearly discern of Things in question before us, nor truly inform your Majesty: In which we have been confirmed by your Majesty's most gracious former Speeches and Messages. We are therefore now again inforced, in all Humbleness, to pray your Majesty to allow the same; and thereby to take away the Doubts and Scruples your Majesty's late Letter to our Speaker *hath wrought upon us.* An. 19 James I. 1621.

So shall we, your loyal and loving Subjects, ever acknowledge your Majesty's Justice, Grace, and Goodness, and be ready to perform that Service to your Majesty, which, in the true Affection of our Hearts, we profess; and pour out our daily and fervent Prayers to the Almighty for your Majesty's long Life, happy and religious Reign, and prosperous Estate, and for your Royal Posterity after you for ever.

The King having rejected the first Petition, gave to the latter this Answer following:

His Majesty's Answer thereto.

"WE must here begin in the same Fashion that we would have done, if the first Petition had come to our Hands before we had made a Stay thereof; which is to repeat the first Words of the late Queen of famous Memory, used by her, in an Answer to an insolent Proposition made by a *Polonian* Ambassador unto her; that is, *Legatum expectabamus, Heraldum accipimus.* For we had great Reason to expect that the first Message from your House should have been a Message of Thanksgiving for our continued gracious Behaviour towards our People, since your last Recess; not only by our Proclamation of Grace, wherein were contained six or seven and thirty Articles, all of several Points of Grace to the People; but also by the Labour we took for the Satisfaction of both Houses, in those three Articles recommended unto us, in both their Names (*n*), by the Right Reverend Father in God, the Archbishop of *Canterbury*; and likewise for the good Government of *Ireland*, we are now in Hand with, at your

(*n*) See before, p. 468, 9.

An. 19 James I. 1621. ‘ Requeſt: But not only have we heard no News ‘ of all this, but contrarily, great Complaints of ‘ the Danger of Religion within this Kingdom, ‘ tacitly implying our ill Government in this ‘ Point. And we leave you to judge whether it ‘ be your Duties, that are the Repreſentative Body ‘ of our People, ſo to diſtaſte them with our Go- ‘ vernment; whereas, on the contrary, it is your ‘ Duty, with all your Endeavours, to kindle more ‘ and more a dutiful and thankful Love in the ‘ Peoples Hearts towards us, for our juſt and gra- ‘ cious Government.

‘ Now whereas, in the very Beginning of this ‘ your Apology, you tax us, in fair Terms, of ‘ truſting uncertain Reports, and partial Informa- ‘ tions concerning your Proceedings: We wiſh you ‘ to remember, that we are an old, and experi- ‘ enced King, needing no ſuch Leſſons, being, in ‘ our Conſcience, freeſt of any King alive, from ‘ hearing or truſting idle Reports; which ſo many ‘ of your Houſe, as are neareſt us, can bear Wit- ‘ neſs unto you, if you would give as good Ear ‘ to them, as you do to ſome Tribunitial Orators ‘ among you: And, for Proof in this Particular, ‘ we have made your own Meſſengers confer ‘ your other Petition ſent by you, with the Copy ‘ thereof which was ſent us before; between ‘ which there is no Difference at all, but that ‘ ſince our receiving the firſt Copy you added a ‘ Concluſion unto it, which could not come to ‘ our Hands, till it was done by you, and your ‘ Meſſengers ſent; which was all at one Time. ‘ And if we had had no Copy of it before-hand, ‘ we muſt have received your firſt Petition, to our ‘ great Diſhonour, before we had known what it ‘ contained; which would have enforced us to have ‘ returned you a far worſe Anſwer than now we ‘ do; for then your Meſſengers had returned with ‘ nothing, but that we have judged your Petition ‘ unlawful, and unworthy of an Anſwer. For, ‘ as to your Concluſion thereof, it is nothing but ‘ *Proteſtatio contraria Facto*; for, in the Body of

‘ your

your Petition, you usurp upon our Prerogative Royal, and meddle with Things far above your Reach, and then in the Conclusion you protest the contrary; as if a Robber would take a Man's Purse, and then protest he meant not to rob him. For first, you presume to give us your Advice concerning the Match of our dearest Son with some *Protestant*, (we cannot say Princess, for we know none of these fit for him) and dissuade us from his Match with *Spain*, urging us to a present War with that King; and yet, in the Conclusion, forsooth, ye protest ye intend not to press upon our most undoubted and Regal Prerogative; as if the Petitioning of us in Matters, that yourselves confess ye ought not to meddle with, were not a medling with them. An. 19 James I. 1621.

'And whereas ye pretend, That ye were invited to this Course by the Speeches of three honourable Lords; yet, by so much as yourselves repeat of the Speeches, nothing can be concluded, but that we were resolved by War to regain the *Palatinate*, if otherwise we could not attain unto it. And you were invited to advise forthwith upon a Supply, for keeping the Forces in the *Palatinate* from Disbanding, and to foresee the means for the Raising, and Maintenance of the Body of an Army for that War against the Spring. Now, what Inference can be made upon this; that therefore we must presently denounce War against the King of *Spain*, break our dearest Son's Match, and match him to one of our Religion, let the World judge. The Difference is no greater, than if we should tell a Merchant, that we had great need to borrow Money from him for raising an Army; that thereupon it would follow, that we were bound to follow his Advice in the Direction of the War, and all Things depending thereupon. But yet, not contenting yourselves with this Excuse of yours, which indeed cannot hold Water, ye come after to a direct Contradiction to the Conclusion of your former Petition, saying, That

An. 19 James I. 1621.

‘ the Honour and Safety of us and our Posterity,
‘ and the Patrimony of our Children invaded and
‘ possessed by their Enemies, the Welfare of Re-
‘ ligion, and State of our Kingdom, are Matters,
‘ at any Time, not unfit for your deepest Con-
‘ siderations in Parliament. To this Generality,
‘ we answer with the Logicians, That where all
‘ Things are contained, nothing is omitted: So as
‘ this Plenipotency of yours invests you in all Power
‘ upon Earth, lacking nothing but the *Pope's* to
‘ have the Keys also both of Heaven and Purga-
‘ tory: And to this vast Generality of yours we
‘ can give no other Answer; for it will trouble all
‘ the best Lawyers in the House to make a good
‘ Commentary upon it: For so did the *Puritan*
‘ *Ministers* in *Scotland* bring all Kind of Causes
‘ within the Compass of their Jurisdiction, saying,
‘ That it was the Church's Office to judge of
‘ Slander; and there could no Kind of Crime or
‘ Fault be committed, but there was a Slander in
‘ it, either against God, the King, or their Neigh-
‘ bour; and, by this Means, they hooked in to
‘ themselves the Cognizance of all Causes: Or,
‘ like *Bellarmine's* Distinction of the *Pope's* Power
‘ over Kings, *in ordine ad Spiritualia*, whereby he
‘ gives them all Temporal Jurisdiction over them.

‘ But to give you a direct Answer to the Matter
‘ of War, for which you are so earnest: We con-
‘ fess, we rather expected you should have given us
‘ Thanks for the so long maintaining a settled Peace
‘ in all our Dominions, when all our Neighbours
‘ about are in miserable Combustion of War; but,
‘ *dulce Bellum inexpertis*. And we indeed find by
‘ Experience, that a Number of our Subjects are
‘ so pampered with Peace, as they are desirous of
‘ Change, tho' they know not what.

‘ It is true, that we have ever professed (and, in
‘ that Mind, with God's Grace, we will live and
‘ die) that we will labour by all Means possible, ei-
‘ ther by Treaty, or by Force, to restore our Chil-
‘ dren to their ancient Dignity and Inheritance:
‘ And whatsoever Christian Princes or Potentates
‘ will

'will set themselves against it, we will not spare any lawful Means to bring our so just and honourable Purpose to a good End; neither shall the Match of our Son, or any other worldly Respect, be preferred to this our Resolution. For, by our Credit and Intervention with the King of *Spain*, and the Arch-Dutchess, and her Husband now with God, we preserved the *Lower Palatinate* one whole Year from any further Conquering in it; which, in any eight Days Space in that Time, might have easily been swallowed up by *Spinola's* Army, without any Resistance. And in no better Case was it now, at our Ambassador the Lord *Digby's* coming thro' *Heidelbergh*, if he had not extraordinarily succoured it. An. 19 James I. 1621.

'But because we conceive, that ye couple this War of the *Palatinate* with the Cause of *Religion*, we must a little unfold your Eyes herein.

'The Beginning of this miserable War, which hath set all *Christendom* on Fire, was not for Religion; but only caused by our Son-in-Law's hasty and harsh Resolution, following evil Counsel, to take to himself the Crown of *Bohemia*.

'And that this is true, himself wrote Letters unto us at that Time, desiring us to give Assurance both to the *French* King, and State of *Venice*, that his Accepting of the Crown of *Bohemia* had no Reference to the Cause of Religion, but only by reason of his Right of Election, as he called it. And we would be sorry that such Aspersion should come upon our Religion, as to make it a good Pretext for dethroning of Kings, and usurping their Crowns; and we would be loath that our People here should be taught that strange Doctrine: No, let us not so far wrong the Jesuits, as to rob them of their sweet Positions and Practices in that very Point.

'And upon the other Part, we assure ourself so far of your charitable Thoughts of us, that we would never have constantly denied our Son-in-Law both the Title and Assistance in that Point,

An. 19 James I. 1621.

'if we had been well perſuaded of the Juſtice of his Quarrel. But to conclude, this unjuſt Uſurpation of the Crowns of *Bohemia* and *Hungaria* from the Emperor, hath given the *Pope*, and all that Party, too fair a Ground, and opened them too wide a Gate for curbing and oppreſſing of many Thouſands of our Religion in divers Parts of *Chriſtendom*.

'And whereas you excuſe your touching upon the King of *Spain*, upon occaſion of the Incidents by you repeated in that Place, and yet affirm, that it is without any Touch to his Honour; we cannot wonder enough that ye are ſo forgetful both of your Words and Wits: For, in your former Petition, ye plainly affirm, That he affects the Temporal Monarchy of the whole Earth; than which there can be no more Malice uttered againſt any great King, to make all other Princes and Potentates both envy and hate him: But, if ye liſt, it may eaſily be tried, whether that Speech touched him in Honour or not, if ye ſhall aſk him the Queſtion, Whether he means to aſſume to himſelf that Title or no; for every King can beſt judge of his own Honour. We omit the particular Ejaculations of ſome foul-mouthed Orators in your own Houſe, againſt the Honour of that King's Crown and State.

'And touching your Excuſe of not determining any thing concerning the Match of our deareſt Son, but only to tell your Opinion, and lay it down at our Feet: Firſt, we deſire to know, how you could have preſumed to determine in that Point, without committing of High Treaſon? And next, you cannot deny but your talking of his Match after that Manner, was a direct Breach of our Commandment and Declaration out of our own Mouth, at the firſt ſitting down of this Parliament; where we plainly profeſſed, that we were in Treaty of his Match with *Spain*; and wiſhed you to have that Confidence in our Religion and Wiſdom, that we

'would

'would so manage it, as our Religion should re- An. 19 James I. 1621.
'ceive no Prejudice by it. And the same we now
'repeat unto you, professing that we are so far
'engaged in that Match, as we cannot in Honour
'go back, except the King of *Spain* perform not
'such Things as we expect at his Hands. And
'therefore we are sorry that ye should shew to
'have so great Distrust in us, as to conceive that
'we should be cold in our Religion; otherwise,
'we cannot imagine how our former public De-
'claration should not have stopped your Mouths
'in this Point.

'And as to your Request, That we would now
'receive your former Petition: We wonder what
'could make you presume that we would receive
'it; whereas, in our former Letter, we plainly
'declared the contrary unto you. And therefore
'we have justly rejected that Suit of yours: For
'what have you left unattempted in the highest
'Points of Sovereignty, in that Petition of yours,
'except the Striking of Coin? For it contains the
'Violation of Leagues; the particular Way how
'to govern a War; and the Marriage of our dearest
'Son, both negatively with *Spain*; nay, with any
'other Popish Princess; and also affirmatively, as
'to the matching with one of our Religion;
'which we confess is a Strain beyond any Provi-
'dence or Wisdom God hath given us, as Things
'now stand.

'These are unfit Things to be handled in Par-
'liament, except your King should require it of
'you: For who can have Wisdom to judge of
'Things of that Nature, but such as are daily ac-
'quainted with the Particulars of Treaties, and of
'the variable and fixed Connection of Affairs of
'State, together with the Knowledge of the secret
'Ways, Ends, and Intentions of Princes in their
'several Negotiations? Otherwise a small Mistak-
'ing of Matters of this Nature may produce more
'Effects than can be imagined: And therefore,
'*Ne Sutor ultra Crepidam.* And besides, the in-

An. 19 James I. 1621. termedling in Parliament with Matters of Peace or War, and the Marriage of our dearest Son, would be such a Diminution to us and to our Crown in Foreign Countries, as would make any Prince neglect to treat with us, either in Matters of Peace or Marriage, except they might be assured by the Assent of Parliament. And so it proved long ago with a King of *France*; who, upon a Trick, procuring his States to dissent from some Treaty which before he had made, was after refused Treaty with any other Princes, to his great Reproach, unless he would first procure the Assent of his Estates to their Proposition. And will you cast your Eyes upon the late Times, you shall find, that the late Queen, of famous Memory, was humbly petitioned by a Parliament to be pleased to marry: But her Answer was (*o*), That she liked their Petition well, because it was simple, not limiting her to Place nor Person, as not befitting her Liking to their Fancies; and if they had done otherwise, she would have thought it a high Presumption in them. Judge then what we may do in such a Case, having made our public Declaration already (as we said before) directly contrary to that which you have now petitioned.

'Now to the Points in your Petition, whereof you desire an Answer as properly belonging to the Parliament. The first and the greatest Point is, that of Religion: Concerning which, at this Time, we can give you no other Answer than in the General; which is, That you may rest secure, that we will never be weary to do all we can for the Propagation of our Religion, and repressing of Popery: But the Manner and Form you must remit to our Care and Providence, who can best consider of Times and Seasons; not by undertaking a public War of Religion through all the World at once; which, how hard and dangerous a Task it may prove, you may judge. But this puts us in Mind, how all the

(*o*) See Vol. III. p. 411.

‘ the World complained the last Year of Plenty An. 19 James I. 1621.
‘ of Corn; and God sent us a Cooling-Card this
‘ Year for that Heat: And so we pray God, that
‘ this Desire among you of kindling Wars (shew-
‘ ing your Wearinesse of Peace and Plenty) may
‘ not make God permit us to fall into the Misé-
‘ ries of both. But, as we already said, our Care
‘ of Religion must be such, as, on the one Part, we
‘ must not, by the hot Persecution of our Recu-
‘ sants at Home, irritate foreign Princes of con-
‘ trary Religion; and teach them the Way to
‘ plague the Protestants in their Dominions, with
‘ whom we daily intercede, and at this Time
‘ principally, for Ease to them of our Profession
‘ that live under them; yet, upon the other Part,
‘ we never mean to spare, from due and severe
‘ Punishment, any Papist that will grow insolent
‘ for living under our so mild Government. And
‘ you may also be assured, we will leave no Care
‘ untaken, as well for the good Education of the
‘ Youth at Home, especially the Children of Pa-
‘ pists, as also for preserving at all Times here-
‘ after the Youth that are or shall be Abroad, from
‘ being bred in dangerous Places, and so poisoned
‘ in Popish Seminaries. ‘ And as in this Point,
‘ namely, the good Education of Popish Youth
‘ at Home, we have already given some good
‘ Proofs, both in this Kingdom and in *Ireland*;
‘ so will we be well pleased to pass any good Laws
‘ that shall be made, either now, or at any Time
‘ hereafter, to this Purpose.

‘ And as to your Request of making this a Ses-
‘ sion, and granting a General Pardon; it shall
‘ be your Defaults, if we make not this a Session
‘ before *Christmas*.

‘ But for the Pardon, ye crave such Particulars
‘ in it, as we must be well advised upon; lest
‘ otherwise, we give you back the Double or Tre-
‘ ble of what we are to receive by your entire Sub-
‘ sidy, without Fifteenths. But the ordinary
‘ Course we hold fittest to be used still in this Case,
‘ is, that we should of our free Grace send you

‘ down

An. 19 James I. 1621.

'down a Pardon from the Higher House, contain-
'ing such Points as we shall think fittest; wherein,
'we hope, ye shall receive good Satisfaction.

'But we cannot omit to shew you, how strange
'we think it, that ye should make so bad and
'unjust a Commentary upon some Words of our
'former Letter, as if we meant to restrain you
'thereby of your ancient Privileges and Liberties
'in Parliament. Truly, a Scholar would be
'ashamed so to misplace and misjudge any Sentences
'in another Man's Book. For whereas, in the
'End of our former Letter, we discharged you
'to meddle with Government and Mysteries of
'State, namely, Matters of War or Peace, or
'our dearest Son's Match with *Spain*; by which
'particular Denominations we interpret and re-
'strain our former Words: And then, after we
'forbid you to meddle with such Things as have
'their ordinary Course in Courts of Justice; ye
'couple together those two distinct Sentences,
'and plainly leave out these Words. *Of Mysteries*
'*of State*; so as ye err, *a bene Divisis ad malè*
'*Conjuncta*. For of the former Part, concerning
'Mysteries of State, we plainly restrained our Mean-
'ing to the Particulars that were after-mentioned;
'and, in the latter, we confess we meant by it
'Sir *Edward Coke's* foolish Business (*p*): And there-
'fore it had well become him, especially being
'our Servant, and one of our Council, to have
'complained unto us; which he never did, though
'he was ordinarily at Court since, and never had
'Access refused unto him.

'And although we cannot allow of the Stile,
'calling it, *Your ancient and undoubted Right and*
'*Inheritance*; but could rather have wished, that
'ye had said, That your Privileges were derived
'from the Grace and Permission of our Ancestors
'and us; (for most of them grow from Prece-
'dents, which shews rather a Toleration than In-
'heritance) yet we are pleased to give you our
'Royal

(*p*) The Affair of *Lepton* and *Goldsmyth*. See *Commons Journals*, Vol. I. p. 651, & *seq*.

'Royal Assurance, that as long as you contain yourselves within the Limits of your Duty, we will be as careful to maintain and preserve your lawful Liberties and Privileges, as ever any of our Predecessors were, nay, as to preserve our own Royal Prerogative. So as your House shall only have Need to beware to trench upon the Prerogative of the Crown; which would enforce us, or any just King, to retrench them of their Privileges, that would pare his Prerogative and Flowers of the Crown: But of this, we hope, there shall never be Cause given.'

An. 19 James I. 1621.

Dated at Newmarket, Dec. 11, 1621.

Rushworth writes, That the Lord Keeper *Williams* advised, 'That the Harshness of this Answer should be mitigated with a Letter from the King to the Houses (*q*): For, said he, his Majesty rightly infers, That those Privileges, which they claim to be their natural Birth-rights, are but the Favours of former Kings: *For where were the Commons before* Henry I. (*r*) *gave them Authority to meet in Parliament?* Now the King's Assertion and their Claim may easily be reconciled, if Men were peaceably disposed, and affected the Dispatch of common Business.'

The King advised to soften his Answer.

'These Privileges were originally, the Favours of Princes; neither doth his Majesty go about to impair or diminish them; therefore, if he would be pleased to qualify the Passage with some mild and noble Expression, and require them strictly to prepare Things for a Session, and to leave these needless Disputes, he shall make it appear to all wise and just Men, that those Persons are opposite to those common Ends, whereof they vaunt themselves the only Patrons. *But, let his Majesty do what*

(*q*) *Collections*, Vol. I. p. 52. —— All this he has taken from a Letter to the Duke of *Buckingham* from the Lord Keeper *Williams*, printed in the *Cabala*. The Passages in the *Italick Character* are omitted by *Rushworth*.

(*r*) *Sic Orig.* But it must be a Mistake instead of *Henry* III. See our first Vol. p. 68.

An. 19 James I. 1621. *what he pleases, he was afraid, altho' herein the Lord Treasurer and others did differ from him, they did not affect a Session, nor intended to give any Subsidy at all, at this Time.* Would the King be pleased also to add in this Letter, That if they will not prepare Bills for a Session, he will break up the Parliament, without any longer Prorogation; acquainting the Kingdom with their Undutifulness and Obstinacy, and supply the present Wants by some other Means: Or else will he adjourn the present Assembly to the appointed eighth of *February:* This latter Course is fitter for farther Advice; but the former to express a just Indignation.' The Lord Keeper concludes his Letter thus: '*I dare advise nothing in so high a Point; but humbly beseech Almighty God to illuminate his Majesty's Understanding, to insist upon that Course which shall be most behoveful for the Advancement of his Service. In our House his Majesty's Servants are very strong, and increase every Day; nor is there the least Fear of any malignant Opposition.*'

Mr. *Wilson* tells us, 'That this Advice was in some Measure followed; and that the King, finding the House of Commons had given over all Business, did write again to the Speaker and to Secretary *Calvert*, in order to take off the Edge of those sharp Expressions used in his late Answer. But, adds our Author, the House found the King's Letters rather to entangle the Way, than leave a free Passage to their Liberties; for that which was their Birth-right, was now said to be derived from his Ancestors: And, as they judged the King would dissolve the Parliament, they resolved, continues he, whatsoever should befall them, to leave some Prints and Footsteps of their Parliamentary Rights and Privileges, left them by their great Ancestors: That tho' they could not preserve them entire, those that should succeed might, at least, find some Relicts and Ruins of what they once had.

What this Writer means, was a Protestation which the Commons entered into, in Vindication of their Parliamentary Rights and Privileges; but,

as

as that Affair was their last Act, we shall reserve it to the Conclusion; and go back a little into the Proceedings of the House of Lords at this Period. An. 19 James I. 1621.

It may be asked, What was become of Sir *John Bennet's* Affair, which was entered into with so much Warmth at the last Sitting of Parliament? But we hear no more of it in this, than his making his Appearance to save his Bail, and being ordered to attend from Day to Day; which proved so tedious that Sir *John* petitioned the House either to be tried, or discharged from so close an Attendance. This was not complied with, and he was obliged to wait, without any Trial, till the 17th of *December*; on which Day it being signified to the House, that Sir *John Bennet* was so sick that he could not, without great Danger of his Life, make his personal Appearance, as was shewn by a Certificate from his Physician, Dr. *Baskervile:* It was agreed, that the said Sir *John Bennet* should stand upon his Bail for his Appearance, but not to incur any Danger of Forfeiture for his Non-appearance at this Time, by reason of his Indisposition. Further Account of Sir John Bennet's Affair.

Thereupon the Lord Keeper acquainted the House, That many Petitions were exhibited, every Morning, against the said Sir *John Bennet*, which were much called upon. It was agreed, 'That, left the Justice and Care of this House, to question the said Sir *John Bennet* for the same, may be doubted of, Notice shall be given to the Petitioners, that this Time was designed for greater Affairs, and too short now to proceed against him upon those Complaints; but that the Lords did resolve, at the next Access, to proceed against him effectually.'——As this next Meeting never came to pass, in this Reign, it is very probable, if Sir *John Bennet* did not die of this Illness, that he got off his Trial and Censure by the Confusion of the Times; for his Bail would be discharged in course, at the Dissolution of the Parliament (*t*).

Sir

(*t*) Sir *John Bennet* obtained the King's Pardon, as appears in a Letter of Lord *Bacon's* to his Majesty, some Time after this, when he was petitioning for his own. *Cabala*, p. 62.

An. 19 James I. 1621.

Sir *John Bouchier*, a *Yorkshire* Knight, had presented a Petition to the Lords, on the 3d of *December*, complaining of some indirect Dealing in the Lord Keeper of the Great Seal, for not giving a sufficient Hearing to a Cause of his in Chancery, and refusing to re-hear the same. The Lords took this Petition into Consideration, for several Days together; and, after examining several Witnesses, *pro & con*, came, at last, to this Resolution on the Question, That the Lord Keeper was freed from any precipitate or hasty Hearing of Sir *John Bouchier's* Cause, as was alledged in his Petition. And, on a second Question, it was agreed, That the said Sir *John* should receive some Censure or Punishment for the same.

Proceedings against Sir John Bouchier for aspersing the Lord Keeper Williams.

Accordingly, *Dec.* 12, the Sentence against Sir *John Bouchier* was assented to, *viz. That he should make an Acknowledgment, in their House, and in Chancery, of his Fault; and that he should be imprisoned.* But the Lord Keeper saying, That the said Sir *John* behaved himself well and temperately, at the hearing of his Cause in Chancery, and beseeching their Lordships to remit the Acknowledgment of his Fault in that Court, and likewise his Imprisonment; the Lords highly commended the Lord Keeper's Clemency, and remitted both. Then Sir *John* being brought to the Bar, and his Acknowledgment, ready drawn up, being delivered to him, he kneeling, said, *My Lords, in Obedience to the Judgment of this House, I humbly submit myself*; and then read the same in these Words:

His Submission.

Whereas, by the Honourable Sentence of the Lords Spiritual and Temporal, I stand convicted of a great Misdemeanor, for taxing and laying an Imputation on the Lord Keeper of the Great Seal of England; *I do, in all Humbleness, acknowledge the Justice of that their Sentence, and also mine own Fault and Offence, and am heartily sorry therefore; I do, therefore, crave Pardon, both of your Lordships, in general, and of the Lord Keeper, in particular.*

Then

Then, being commanded to ſtand up, the Lord Keeper told him, That, at his Requeſt, the Lords did remit the Acknowledgment to be made in Chancery, and alſo his Impriſonment: For which the ſaid Sir *John Bouchier* moſt humbly thanked their Lordſhips, and particularly the Lord Keeper. An. 19 James I. 1621.

But, notwithſtanding the Mildneſs of this Sentence, for traducing the then principal Officer of State, this Man lived in the next Reign, not only to vote the Houſe of Lords out of Doors, but alſo to embrue his Hands in his Sovereign's Blood.

Dec. 14. Things being in the confuſed State, already mentioned, between the King and the Houſe of Commons, and no Likelihood of a Supply from that Quarter, a Motion was made in the Upper Houſe, by the Lord *Digby*, to put the Commons in Mind, 'That this Seſſion was called to provide a preſent Support for the *Palatinate*, as was delivered, by Meſſage from his Majeſty unto both Houſes, at the Beginning thereof.' His Lordſhip likewiſe ſaid, 'That he had ſince received many Advertiſements of the great and preſent Danger the *Palatinate* was then in; as well by the Army of the Duke of *Bavaria*, in purſuit of Count *Mansfield*, as alſo by the Army of that Count, who came for the Defence of the *Palatinate*, if he be not ſpeedily ſupplied with Means from hence to ſupport it: Becauſe that Country was not able to pay the Soldiers, nor to feed ſo great an Army; which muſt be in great Diſtreſs for want of ſuch Relief. That divers Terms of Peace had been offered the Count, very fair for himſelf; yet he would not hearken to any, ſo long as he hoped to be relieved from *England*, and might, in any reaſonable Time, be aſſured thereof. Which Advertiſements of the Danger and Hope of the *Palatinate*, his Lordſhip thought good, in Diſcharge of his Duty to the King, to acquaint their Lordſhips with, that they might take the ſame into their Conſideration.'

The Lords having duly weighed the Matter, it was agreed, being firſt put to the Queſtion, That there ſhall be a Meeting with the Houſe of Commons

The Lords propoſe a Meeting with the Commons on the Supply.

An. 19 James I. 1621.

mons concerning the Narration made by the Lord *Digby*. And it was also agreed, That, at the said Meeting, the Lord Keeper shall first make an Introduction, and the Lord *Digby* shall proceed in his Narration to the Commons. Then the Lord *Digby* desired to be directed by the House, or a Committee, in his Narration; and it was ordered, That his Lordship should put down the Heads thereof in Writing against the next Morning: At which Time it was again agreed, That it should be delivered as a Narrative only.

But are prevented by the Dissolution of the Parliament.

But no Message for this Meeting was ever sent to the Commons; for, on the 18th Day of *December*, his Royal Highness the Prince presented a Commission, from the King, for the Adjournment of this Parliament to the 8th of *February* ensuing: And, on that Day, by another Commission, it was finally dissolved.

Thus did this Parliament continue almost a Year, and fat, altogether, between five and six Months of it, without one single Act being passed, except the Grant of two Subsidies in the first Session of it; tho' there were eighty-one public and private Bills delivered into the House of Lords; as appears by a Catalogue of their Titles at the End of the *Journal* of this Parliament.—A Thing unprecedented before, in all these Enquiries. What the Reasons were for their Dissolution, appears plain enough, by the Heats and Animosities in the Commons.—But we wave all Reflections, and shall leave the Times to speak for themselves.

We took Notice before, that the Commons, foreseeing their Dissolution, entered a *Protestation*, in Vindication of their Parliamentary Rights and Privileges.—It was expressed in the following Terms:

The Commons Protestation in Vindication of their Privileges.

THE Commons now assembled in Parliament, being justly occasioned thereunto concerning sundry Liberties, Franchises, and Privileges of Parliament, amongst others here mentioned, do make this

Protestation

Protestation *following, That the Liberties, Franchises, Privileges, and Jurisdictions of Parliament, are the ancient and undoubted Birth-right and Inheritance of the Subjects of* England; *and that the arduous and urgent Affairs concerning the King, State, and Defence of the Realm, and of the Church of* England, *and the Maintenance and Making of Laws, and Redress of Mischiefs and Grievances which daily happen within this Realm, are proper Subjects and Matter of Counsel and Debate in Parliament; and that in the handling and proceeding of those Businesses, every Member of the House of Parliament hath, and of Right, ought to have Freedom of Speech, to propound, treat, reason, and bring to Conclusion the same: And that the Commons in Parliament have like Liberty and Freedom to treat of these Matters in such Order, as in their Judgments shall seem fittest: And that every Member of the said House hath like Freedom from all Impeachment, Imprisonment, and Molestation (other than by Censure of the House itself) for or concerning any Speaking, reasoning, or declaring any Matter or Matters touching the Parliament, or Parliament-Business: And that if any of the said Members be complained of, and questioned for any thing done or said in Parliament, the same is to be shewed to the King by the Advice and Assent of all the Commons assembled in Parliament, before the King give Credence to any private Information.* An. 19 James I. 1621.

This *Protestation* was made and recorded in the *Journal-Book* of the Commons, *December* the 18th, the Day of Adjournment. But how the King took it, will best appear, by his sending for the *Journal-Book* of the Commons, in Council, and striking out this Protestation *with his own Hand* (*u*); and by the following *Memorial*, which was published soon after, as is seen by the Date of it. Which the King strikes out of the Journal, with his own Hand.

(*u*) It appears by the *printed Journals*, that it is either erased or rent out.

An. 19 James I. 1621.

Whitehall, December 30, 1621.

A Memorial thereof ordered to be entred in the Council-Books.

'HIS Moſt Excellent Majeſty coming this Day to the Council, the Prince his Highneſs, and all the Lords and others of his Majeſty's Privy-Council ſitting about him, and all the Judges then in *London*, which were ſix in Number, there attending upon his Majeſty; the Clerk of the Commons Houſe of Parliament was called for, and commanded to produce his *Journal-Book*, wherein was noted, and Entries made of moſt Paſſages that were in the Commons Houſe of Parliament; and amongſt other Things there was written down the Form of a *Proteſtation* concerning ſundry Liberties, Privileges, and Franchiſes of Parliament; with which Form of *Proteſtation* his Majeſty was juſtly offended. Nevertheleſs his Majeſty, in a moſt gracious Manner, there expreſſed, That he never meant to deny that Houſe of Commons any lawful Privileges that ever they had enjoyed; but whatſoever Privileges or Liberties they had by any Law or Statute, the ſame ſhould be inviolably preſerved unto them; and whatſoever Privileges they enjoyed by Cuſtom, or uncontroulled and lawful Precedent, his Majeſty would be careful to preſerve. But this *Proteſtation* of the Commons Houſe, ſo contrived and carried as it was, his Majeſty thought fit to be razed out of all *Memorials*, and utterly to be annihilated; both in reſpect of the Manner by which it was gained, and the Matter therein contained. For the Manner of getting it, firſt, in reſpect of the Time: For after ſuch Time as his Majeſty, out of his princely Grace, and to take away all Miſtakings, had directed his Letters to Secretary *Calvert*, dated at *Royſton*, 16 *Decembris*, and therein had ſo explained himſelf, in the Point of maintaining the Privileges of the Houſe of Commons, as that moſt of the ſaid Houſe reſted fully ſatisfied, and freed from any Scruple of having their Liberties impeached: And after that, by his

his Majesty's Letters, directed to the Speaker, dated 18 *December*, being *Tuesday*, his Majesty, at the humble Suit of the House of Commons, condescended to make this Meeting a Session before *Christmas*, and for that Purpose had assigned *Saturday* following: Now, upon this very *Tuesday*, and while the Messengers from the House of Commons were with his Majesty at *Theobalds*, to return Thanks unto his Majesty, and therewith an Excuse from them not to make it a Session, in respect of the Strait of Time whereunto they were driven; which Deferment his Majesty admitted of at their Desires, and thereupon gave Order for the Adjournment of the Parliament until the 8th of *February* next, which was the first Day formerly appointed by his Majesty for the meeting together of the Parliament: And whilst their Messengers were with his Majesty, and had received a gracious Answer to return unto their House; even that Afternoon, a Committee was procured to be made for taking their Liberties into Consideration: And this Afternoon a *Protestation* was made (to whom, appears not) concerning their Liberties; and at six o'Clock at Night, by Candle-light, the same *Protestation* was brought into the House by the Committee; and at that Time of Night it was called upon to be put to the Question, there not being the third Part of the House then present; whereas in all Matters of Weight, their usual Custom is, to put nothing of Importance to the Question, till the House be full: And at this Time many of them that were present, expected the Question would have been deferred to another Day, and a fuller House; and some then present stood up to have spoken to it, but could not be seen or heard in that Darkness and Confusion. Now for the Matter of the *Protestation*, it is penned in such ambiguous and general Words, as may serve for future Times to invade most of the Rights and Prerogatives annexed to the Imperial Crown; the Claim of some Privileges

An. 19 James I. 1621.

An. 19 James I. 1621.

'being grounded upon the Words of the Writ for 'aſſembling the Parliament, wherein ſome Words, 'viz. *Arduis Regni*, are cunningly mentioned; but 'the Word *quibuſdam*, which reſtraineth the Ge- 'nerality to ſuch particular Caſes, as his Majeſty 'pleaſeth to conſult with them upon, is purpoſely 'omitted.

'Theſe Things conſidered, his Majeſty did, this 'preſent Day, in full Aſſembly of his Council, 'and in the Preſence of the Judges, declare the 'ſaid *Proteſtation* to be invalid, annulled, void, and 'of no Effect: And did further, *Manu ſuâ pro- 'priâ*, take the ſaid *Proteſtation* out of the *Jour- 'nal-Book* of the Clerk of the Commons Houſe of 'Parliament; and commanded an Act of Council 'to be made thereupon, and this Act to be enter- 'ed in the Regiſter of Council-Cauſes.'

Before the Time that the Parliament was adjourned to (*viz. February* the 8th) the King thought proper to publiſh a Proclamation for the Diſſolution of it; with his Reaſons for ſo doing. *Ruſhworth* hath only given us a ſhort Abſtract of this Act of State: A very great Omiſſion in a *Collector* of ſuch Materials for a juſt Hiſtory of thoſe Times. However, as we have found this Inſtrument, at length, in another *Collection* of *public Acts* (*x*), we ſhall, to avoid the like Imputation, inſert it in its own Words and Dreſs.

A PROCLAMATION *for diſſolving this preſent* PARLIAMENT.

And a Proclamation iſſued ſetting forth the King's Reaſons for diſſolving the Parliament.

'ALBEIT the Aſſembling, Continuing, and 'Diſſolving of Parliaments be a Prerogative ſo peculiarly belonging to our Imperial 'Crown, and the Times and Seaſons thereof ſo 'abſolutely in our own Power, that we need not 'give Account thereof unto any; yet, according to 'our continual Cuſtom, to make our good Subjects 'acquainted with the Reaſons of all our public 'Reſolutions and Actions; we have thought it expedient

(*x*) *Rymer's Fœdera*, Vol. XVII. p. 344.

An. 19 James I. 1621.

expedient at this Time to declare, not only our Pleasure and Resolution therein, grounded upon mature Deliberation, with the Advice and uniform Consent of our whole Privy-Council, but therewith also, to note some special Proceedings moving us to this Resolution; and that chiefly to this End, that as God, so the World may witness with us, that it was our Intent to have made this the happiest Parliament that ever was in our Time; and that the Lett and Impediment thereof being discerned, all Misunderstandings and Jealousies might be removed; and all our People may know and believe that we are as far from imputing any of those ill Accidents, that have happened in Parliament, to any Want or Neglect of Duty or good Affection towards us by them in general, or by the greater or better Number of Parliament-Men; as we are confident, the true Causes discovered, they will be far from imputing it to any Default in us, there having in the Beginning of this late Assembly passed greater and more infallible Tokens of Love and Duty from our Subjects to us their Sovereign, and more remarkable Testimonies from us of our princely Care and Zeal of their Welfare, than have been in any Parliament met in any former Age.

'This Parliament was by us called, as for making good and profitable Laws, so more especially in this Time of miserable Distraction throughout *Christendom*, for the better settling of Peace and Religion, and restoring our Children to their ancient and lawful Patrimony; which we attempted to procure by peaceable Treaty, at our own excessive Charge, thereby to save and prevent the Effusion of Christian Blood, the miserable Effect of War and Dissension; yet, with full Purpose, if that succeeded not, to recover it by the Sword, and therefore, as a necessary Means conducing to those Ends, the Supply of our Treasures was to be provided for.

An. 19 James I. 1621.

'This Parliament beginning in *January* laſt, proceeded ſome Months with ſuch Harmony between us and our People as cannot be paralleled by any former Time; for as the Houſe of Commons at the firſt, both in the Manner of their Supply and otherwiſe, ſhewed greater Love and more Reſpect than ever any Houſe of Commons did to us, or as we think, to any King before us; ſo we upon all their Complaints have afforded them ſuch memorable and rare Examples of Juſtice as many Ages paſt cannot ſhew the like; wherein, that we preferred the Weal of our People before all particular Reſpects, the Things themſelves do ſufficiently prove, our Juſtice being extended not only to Perſons of ordinary Rank and Quality, but, even to the prime Officer of our Kingdom; and although, after their firſt Receſs, at *Eaſter*, we found that they miſpent a great deal of Time, rather upon the enlarging of the Limits of their Liberties, and divers other curious and unprofitable Things, than upon the framing and proponing of good and profitable Laws; yet, we gave them Time and Scope for their Parliamentary Proceedings, and prolonged the Seſſion to an unuſual Length, continuing it until the 28th Day of *May*, before we ſignified our Purpoſe for their Receſs; and then we declared that we would make a Receſs on the 4th Day of *June* next following, but only for a Time, and in ſuch Manner as might be without Diſturbance to any of the Buſineſſes in Hand; expreſſing out of our Grace, though we needed not, the Cauſes of that our Purpoſe, which were the Seaſon of the Year, uſually hot and unfit for great Aſſemblies; our Progreſs approaching; the Neceſſity we had to make uſe of our Council attending in both Houſes, both to ſettle our weighty Affairs of State before we went, and to attend us when we went our Progreſs; the diſfurniſhing our ordinary Courts of Juſtice ſo many Terms together; the long Abſence of Juſtices of Peace and Deputy-Lieutenants, whoſe

'Preſence

'Presence was needful for making and returning of Musters, and for subordinate Government of the Country: And therefore we appointed to adjourn the Parliament on the 4th Day of *June*, giving them Warning longer than usual, that they might set in order their Business, and prepare their Grievances, which we promised both to hear and answer before that Recess; for presenting whereof we appointed them a Time. An. 19 James I. 1621.

'This Message, graciously intended by us, was not so well entertained by some, who in a short Time dispersed and spread their Jealousies unto others, and thereby occasioned Discontentment in the House, for being adjourned without passing of Bills; yet made not their Address to us as was meet, but desired a Conference with the Lords, and at that Conference the 29th Day of *May*, under colour of desiring to petition us for some further Time to perfect and pass some special Bills, were emboldened not only to dispute, but to refel all the Reasons that we had given for the Adjournment; which being made known unto us, we again signified our Pleasure to both Houses, that on the 4th Day of *June* the Parliament should rise, but we would then give our Royal Assent to such Bills as were or should be ready and fit to be then passed, continuing all other Businesses in the State they were, by a special Act to be framed for that Purpose.

'The Lords with all Duty and Respect submitted to our Resolution, passed the Act, and sent it with special Recommendation to the House of Commons; but they neither read it nor proceeded with Business, but forgetting that the Time was ours and not theirs, continued their Discontent, as they pretended, for being so soon dismissed.

'We, though it were strange to observe such Averseness for our resolving, upon such weighty Reasons, that wherein we needed not be measured by any other Rule but our own princely Will, yet were contented to descend from our

An. 10 James I. 1621.

'Right, to alter our Resolution, and to continue 'the Session for a Fortnight more, wherein they 'might perfect such public Bills as were esteemed 'of most Importance; for which Purpose, we our-'self came in Person unto the Higher House of 'Parliament, and made Offer thereof unto them; 'which being, in effect, as much as the Commons 'had formerly desired, was no sooner offered, but 'yielding Thanks to us, the said Commons re-'solved, the same Day, directly contrary to their 'former Desire, to refuse it, and to accept our first 'Resolution of an Adjournment, but attending 'us at *Greenwich* presented no Grievances.

'This Inconstancy as we passed it by with a 'gentle Admonition, so for the Matter of Grie-'vances, as well of *England* as *Ireland*, we pro-'mised to take them into our own Care, though 'not presented to us, and really performed the 'same so far as the Time and the Advice of our 'Council of each Kingdom could enable us; as is 'witnessed by our several Proclamations published 'in both Realms, as likewise, in granting, at 'the same Time, those three Suits which were 'propounded unto us by the Archbishop of *Can-'terbury*, at the Request and in the Name of both 'the Houses; but, in conclusion, the House of 'Commons making it their Choice, we made a 'Recess by Adjournment of the Parliament the '4th Day of *June*; though indeed, we must do 'them this Right, that at the said Recess, taking 'into their serious Consideration the present Estate 'of our Children abroad and the general afflicted 'Estate of the true Professors of Religion in fo-'reign Parts, they did, with one unanimous Con-'sent, in the Name of themselves and the whole 'Body of the Kingdom, make a most dutiful and 'solemn Protestation, That if our pious Endea-'vours, by Treaty, to procure their Peace and 'Safety, should not take that good Effect which 'was desired in the Treaty, whereof they hum-'bly besought us not to suffer any long Delay; 'then upon Signification of our Pleasure in Par-

'liament,

'liament, they would be ready to the uttermoſt of their Powers both with Lives and Fortunes to aſſiſt us, ſo as that, by the Divine Help of Almighty God, we might be able to do that by our Sword which by peaceable Courſes ſhould not be effected. An. 19 James I. 1621.

'But during the Time of this long Receſs, having to our great Charges mediated with the Emperor by the Means of our Embaſſador, the Lord *Digby*, and having found thoſe Hopes to fail which we had to prevail by Treaty; we in Confidence of the Aſſiſtance of our People, thus freely promiſed and proteſted in Parliament, did inſtantly ſhorten the Time of the Receſs, which we had before appointed to continue until the 8th Day of *February*, and did re-aſſemble our Parliament the 20th Day of *November* laſt, and made known unto them the true State and Neceſſity of our Childrens Affairs; declaring our Reſolution unto them of taking upon us the Defence of our Childrens Patrimony by way of Arms, ſince we could not compaſs it by an amicable Treaty, and therefore expected the Fruit of that their Declaration, whereby we were invited unto this Courſe.

'Wherein, howbeit we are all well ſatisfied of the good Inclination of moſt Part of our Houſe of Commons, teſtified by their ready Aſſent to the ſpeedy Payment of a Subſidy newly to be granted; yet, upon this Occaſion, ſome particular Members of that Houſe took ſuch inordinate Liberty, not only to treat of our High Prerogatives, and of ſundry Things, that, without our ſpecial Direction, were no fit Subjects to be treated of in Parliament; but alſo, to ſpeak with leſs Reſpect of foreign Princes, our Allies, than was fit for any Subject to do of any anointed King, tho' in Enmity and Hoſtility with us.

'And when, upon this Occaſion, we uſed ſome Reprehenſion touching thoſe Miſcarriages, requiring them not to proceed but in ſuch Things as were within the Capacity of that Houſe according to the

'continual

An. 19 James I. 1621. ‘ continual Cuſtom of our Predeceſſors; then, ‘ by the Means of ſome evil-affected and diſcon- ‘ tented Perſons, ſuch Heat and Diſtemper was ‘ raiſed in the Houſe, that, albeit themſelves had ‘ ſued unto us for a Seſſion, and for a general Par- ‘ don, unto both which, at their earneſt Suit, we ‘ aſſented; yet, after this Fire kindled, they reje- ‘ ted both, and ſetting apart all Buſineſſes of Con- ‘ ſequence and Weight, notwithſtanding our Ad- ‘ monition and earneſt preſſing them to go for- ‘ ward, they either ſat as ſilent, or ſpent the Time ‘ in diſputing of Privileges, deſcanting upon the ‘ Words and Syllables of our Letters and Meſſa- ‘ ges; which for better clearing of Truth, and Sa- ‘ tisfaction of all Men, we are about to publiſh ‘ in Print ſo ſoon as poſſible we can: And al- ‘ though, in our Anſwer to their Petition, we gave ‘ them full Aſſurance that we would be as careful ‘ of the Preſervation of their Privileges as of our ‘ own Royal Prerogative, and in our Explanation ‘ after ſent unto them by our Letters written to ‘ our Secretary, we told them that we never meant ‘ to deny them any lawful Privileges that ever that ‘ Houſe enjoyed in our Predeceſſors Times, and ‘ that whatſoever Privileges or Liberties they en- ‘ joyed by any Law or Statute ſhould ever be in- ‘ violably preſerved by us, and we hoped our Po- ‘ ſterity would imitate our Footſteps therein; and ‘ whatſoever Privileges they enjoyed by long Cuſ- ‘ tom, and uncontroulled and lawful Precedents, ‘ we would likewiſe be as careful to preſerve them, ‘ and tranſmit the Care thereof to our Poſtetity; ‘ confeſſing ourſelves, in Juſtice, to be bound to ‘ maintain them in their Rights, and in Grace, ‘ that we were rather minded to increaſe than in- ‘ fringe any of them, if they ſhould ſo deſerve at ‘ our Hands; which might ſatisfy any reaſonable ‘ Man that we were far from violating their Pri- ‘ vileges.

‘ And altho', by our Letters, written to their ‘ Speaker, we adviſed them to proceed and make ‘ this a Seſſion, to the end our good and loving ‘ Subjects

'Subjects might have some Taste, as well of our 'Grace and Goodness towards them by our free 'Pardon and good Laws to be passed, as they had 'both by the great and unusual Examples of Justice 'since our Meeting, and the so many Eases and 'Comforts given unto them by Proclamation; 'and altho' we had given Order for the Pardon to 'go on, and that in a more gracious and liberal 'Manner than had passed in many Years before; 'and signified our Willingness, that rather than 'Time should be mispent, they might lay aside 'the Thought of the Subsidy, and go on with an 'Act for Continuance of Statutes, and the general 'Pardon: Yet all this prevailed not to satisfy them, 'either for their pretended Privileges, or to per-'suade them to proceed with Bills for the Good of 'themselves, and those that sent them. But as the 'Session and Pardon were by them well desired at 'first, so were they as ill rejected at the last; and, 'notwithstanding the Sincerity of our Protesta-'tions not to invade their Privileges, yet, by Per-'suasion of such as had been the Cause of all these 'Distempers, they fall to carve for themselves; 'and pretending, causelessly, to be occasioned there-'unto, in an unseasonable Hour of the Day, and 'a very thin House, contrary to their own Customs 'in all Matters of Weight, conclude and enter a 'Protestation for their Liberties, in such ambigu-'ous and general Words, as might serve for future 'Times to invade most of our inseparable Rights 'and Prerogatives annexed to our Imperial Crown; 'whereof, not only in the Times of other our 'Progenitors, but in the blessed Reign of our late 'Predecessor, that renown'd Queen *Elizabeth*, we 'found our Crown actually possessed; an Usurpa-'tion that the Majesty of a King can by no Means 'endure.

An. 19 James I. 1621.

'By all which may appear, that, howsoever in 'the general Proceedings of that House, there are 'many Footsteps of loving and well-affected Duty 'towards us, yet some *ill-tempered Spirits* have 'sowed Tears among the Corn, and thereby fru-

'strated

An. 19 James I. 1621. ‘ ſtrated the Hope of that plentiful and good Harveſt, which might have multiplied the Wealth ‘ and Welfare of this whole Land; and, by their ‘ cunning Diverſions, have impoſed upon us a Neceſſity of diſcontinuing this preſent Parliament, ‘ without putting unto it the Name or Period of a ‘ Seſſion.

‘ And therefore, whereas the ſaid Aſſembly of ‘ Parliament was, by our Commiſſion, adjourned ‘ until the eighth Day of *February* now next enſuing, we minding not to continue the ſame any ‘ longer; and therefore not holding it fit to cauſe ‘ the Prelates, Noblemen, and States, of this our ‘ Realm, or the Knights, Citizens, and Burgeſſes ‘ of the ſame Parliament to travel thereabout; ‘ have thought fit to ſignify this our Reſolution, ‘ with the Reaſons thereof, unto all our Subjects, ‘ inhabiting in all Parts of this Realm; willing and ‘ requiring the ſaid Prelates, Noblemen, and States, ‘ and alſo the ſaid Knights, Citizens, and Burgeſſes, and all others to whom, in this Caſe, it ‘ ſhall appertain, that they forbear to attend at the ‘ Day and Place prefix'd by the ſaid Adjournment; ‘ and in ſo doing they are and ſhall be diſcharged ‘ thereof againſt us: And we do hereby further declare, that the ſaid Convention of Parliament ‘ neither is, nor, after the ceaſing and breaking ‘ thereof, ſhall be, nor ought to be eſteemed, adjudged, or taken to be, or make any Seſſion of ‘ Parliament.

‘ And albeit we are at this Time enforced to ‘ break off this Convention of Parliament, yet ‘ our Will and Deſire is, that all our Subjects ſhould ‘ take Notice, for avoiding of all ſiniſter Suſpicions ‘ and Jealouſies, that our Intent and full Reſolution is to govern our People in the ſame Manner as our Progenitors and Predeceſſors, Kings ‘ and Queens of this Realm, of beſt Government, ‘ have heretofore done; and that we ſhall be careful, both in our own Perſon, and by charging ‘ our Privy-Council, our Judges, and other our ‘ Miniſters, in their ſeveral Places reſpectively, to

‘ diſtribute

'distribute true Justice and Right unto all our People; and that we shall be as glad to lay hold of the first Occasion, in due and convenient Time, which we hope shall not be long, to call and assemble our Parliament, with Confidence of the true and hearty Love and Affection of our Subjects, as either we, or any of our Progenitors have at any Time heretofore. Given at our Palace of *Westminster*, the sixth Day of *January*, 1621.' *Peripium Rogem.* An. 19 James I. 1621.

The ill-tempered Spirits the King mentions in this Proclamation, were several leading Members of the House of Commons; amongst whom, we are told, Sir *Edward Coke* and Sir *Robert Philips* (*y*), were committed to the *Tower*; Mr. *Selden*, Mr. *Pym*, and Mr. *Mallory*, to other Prisons and Confinements. Orders were given for sealing up the Locks and Doors of Sir *Edward Coke's* Chambers in *London*, and in the *Temple*, and for the seizing his Papers. And the Council, debating about the general Pardon that should have passed this last Parliament, had considered about the Ways of excluding him from that Benefit, either by preferring a Bill against him, before the Publication of the Pardon, or by exempting this eminent Lawyer, by Name; for which they said, they had Precedents. Several Members committed to Prison:

Likewise Sir *Dudley Diggs*, Sir *Thomas Crew*, Sir *Nathanael Rich*, and Sir *James Perrot*, as a lighter Punishment, were sent into *Ireland*, joined in Commission with others, under the Great Seal of *England*, for enquiring into sundry Matters concerning his Majesty's Service, as well in the Government Ecclesiastical and Civil, as in Point of the King's Revenues, and otherwise, within that Kingdom (*z*). Others preferred out of the Way.

Sir *Peter Hayman*, of *Kent*, was sent into the *Palatinate*; and, not long after this, Sir *John Savile*

(*y*) Chairman of the Committee for the Lord Chancellor *Bacon's* Affair. See before, p. 350.

(*z*) *Rushworth*, Vol. I. p. 55.

An. 19 James I. 1621.

vile, Knight of the Shire for the County of *York*, who carried all that Country at a Beck, and a powerful Man in the House of Commons, was taken off by the King, made Comptroller of his Houshold, a Privy-Counsellor, and not long after, a Baron (*a*).—A new Way, probably, in those Day, but very common in our own.

Camden, in the Annals of his own Times (*b*), mentions likewise the Imprisonment of Sir *Edwin Sandys*, a Member of Parliament, whilst that House was sitting. This occasioned great Resentment in the Commons; which was not to be pacified, tho' Secretary *Calvert* declared, on the 28th of *November*, That Sir *Edwin's* Imprisonment was not for any thing done in Parliament: For the House was not satisfied with this, but sent two of their Members to the Prisoner to enquire the Truth of it (*c*). This is confirmed by the Authority of the *Journals*, tho' neither *Wilson* nor *Rushworth* take any Notice of so extraordinary an Affair.——But how it was resented by the King, appears by the particular Notice taken of it in his Letter to the Commons.—The Affair of the Recusants also, adds our Annalist, occasioned another Disturbance in the House; and it was ordained that they should pay double Subsidies, like Foreigners; forasmuch as they shewed themselves to be Aliens from the established Religion, and devoted to the *Pope*.

It is certain that this King's pacific Temper, whatever Ground it was built upon, occasioned the Loss of the *Palatinate*; and laid the Foundation of greater Evils at home. Indeed the unhappy Quarrel between him and the House of Commons, prevented any Supplies being granted, at a Time when they were most immediately wanted. The King's

(*a*) It appears by the *Commons Journals*, that all the Members, here mentioned, had particularly distinguished themselves in Opposition to the *Spanish* Match, *&c.*

(*b*) Printed in *Kennet*, Vol. II. p. 658.

(*c*) Sir *Peter Hayman* and *Malory*. *Journals*, Vol. I. p. 654.

King's Diſguſt at the Commons is imputed to the ſubtle Machinations of *Gondomar*, the *Spaniſh* Ambaſſador; who, it is ſaid, influenced the greateſt Part of the Privy-Council.—The Miniſtry being prevented in the Supply, went upon other Ways and Means to raiſe Forces without it; which ſhews that the King was, ſeemingly, in earneſt about the Matter. The Privy-Council appointed the Keeper of the Records in the *Tower*, to ſearch for all ſuch Evidences, concerning the Levies of Men at the public Charge of the Country, from the Reign of King *Edward* III. to the preſent Time. Letters were alſo directed to the Juſtices of the Courts at *Weſtminſter*, and to the Barons of the Exchequer, of the Tenor following: An. 19 James I. 1621.

Letters iſſued by the Privy-Council for raiſing a Benevolence.

WHAT Endeavours his Majeſty hath uſed by Treaty, and by all fair and amicable Ways to recover the Patrimony of his Children in Germany, *now, for the moſt part, with-holden from them by Force, is not unknown to all his loving Subjects, ſince his Majeſty was pleaſed to communicate to them in Parliament his whole Proceedings in that Buſineſs: Of which Treaty, being of late fruſtrate, he was enforced to take other Reſolutions; namely, to recover that by the Sword, which, by other Means, he ſaw no Likelihood to compaſs: For which Purpoſe it was expected by his Majeſty, that his People in Parliament would, in a Cauſe ſo nearly concerning him and his Childrens Intereſt, have chearfully contributed thereunto. But the ſame unfortunately failing, his Majeſty is conſtrained, in a Caſe of ſo great Neceſſity, to try the dutiful Affections of his loving Subjects in another Way, as his Predeceſſors have done in former Times, by propounding unto them a voluntary Contribution: And therefore, as yourſelves have already given a liberal and worthy Example, which his Majeſty doth take in very gracious Part, ſo his Pleaſure is, and we do accordingly hereby authorize and require your Lordſhips, as well to countenance and aſſiſt the Service by your beſt Means, in your next Circuits, in the ſeveral Counties where you hold General Aſſizes;*

(6

An. 19 James I. 1621. *as also now presently, with all convenient Expedition, to call before you all the Officers and Attorneys belonging to any his Majesty's Courts of Justice, and also all such others of the Houses and Societies of Court, or that otherwise have Dependance upon the Law, as are meet to be treated withal in this Kind, and have not already contributed; and to move them to join willingly in this Contribution, in some good Measure answerable to that yourselves and others have done before us, according to their Means and Fortunes: Wherein his Majesty doubteth not, but (beside the Interest of his Children, and his own Crown and Dignity) the Religion professed by his Majesty, and happily flourishing under him within this Kingdom, having a great Part in the Success of this Business, will be a special Motive to incite and persuade them thereunto. Nevertheless, if any Person shall, out of Obstinacy or Disaffection, refuse to contribute herein, proportionably to their Estates and Means, you are to certify their Names unto this Board.*

And so, recommending this Service to your best Care and Endeavour, and praying you to return unto us Notes of the Names of such as shall contribute, and of the Sums offered by them, we bid, &c.

'Letters to the same Effect were directed to the High Sheriffs and Justices of the Peace of the several Counties; and to the Mayors and Bailiffs of every City and Town-Corporate within the Kingdom, requiring them to summon all of known Abilities within their Jurisdictions, and to move them to a chearful Contribution, according to their Means and Fortunes, in some good Measure answerable to what others well-affected had done before them. Also to make Choice of fit Collectors of the Monies, and to return a Schedule of the Names of such as shall contribute, and the Sums that are offered by them; that his Majesty may take Notice of the good Inclinations of his Subjects to a Cause of such Importance; as likewise of such others, if any such there be, as out of Obstinacy or Disaffection, shall refuse to contribute.'

We

We cannot find, by any Hiſtorian, what Succeſs this Project met with; and therefore we conclude it had no Effect: So the King was reduced to go on in his old beaten Path of Solicitations and Treaties, notwithſtanding the bad Succeſs of his former Mediations. An. 19 James I. 1621.

About this Time a Proclamation was publiſhed by the King, requiring all his Subjects to bring their Complaints of public Grievances, to a ſelect Number of Lords, who were to ſit, at *Whitehall*, once a Week for that Purpoſe, in order to have them redreſs'd afterwards by the King and Council (*d*). And a Proclamation relating to Grievances.

The two ſucceeding Years were almoſt wholly taken up in carrying on the *Spaniſh* Match, and the Prince's Journey into *Spain* to effect it. Our larger Hiſtorians are copious enough in the Recital of all this Pageantry, as the Conſequence evidently ſhew'd it to be. But all the *Spaniſh* Chicanery, in the Affair, being found out, King *James* turned the Tables upon them, juſt at a Time when the *Spaniard* ſeemed to be in earneſt, and the Lady was left in the Lurch, in a Manner that Court juſtly deſerved. Anno 1622.

The Prince and *Buckingham* being both returned to *England* from their fruitleſs Expedition, and many Exigencies of State requiring it; the King was adviſed to call a new Parliament, notwithſtanding his diſagreeable parting with the laſt. *Ruſhworth* writes (*e*), 'That ſome of his more faithful Counſellors had repreſented to him the Diſguſt the People had taken, becauſe the Subſidies, granted in the two laſt Parliaments, had no Retribution; as uſual, by any Act of Grace: That ſome of their Burgeſſes were proceeded againſt, after the Parliament was diſſolved; and that when they had ſatisfied the King's Demands, he would, nevertheleſs, proceed to the Concluſion of the *Spaniſh* Match.' This laſt Affair muſt have been a great Stumbling-Block in the People's Way: Many Men, then alive, well Anno 1623. The King adviſed to call a new Parliament.

(*d*) *Rymer's* Public Acts, Tom. XVII. p. 452.

(*e*) *Collections*, Vol. I. p. 115. Taken from a Letter wrote to the King by the Earl of *Carliſle*, dated *February* 14, 1623, in the *Cabala*, p. 197, though not ſo quoted by *Ruſhworth*.

An. 21 James I. 1623. remembred the Invaſion in 1588, and the reſt had been told of it, from their Fathers, with Horror: And this had imprinted in their Minds ſuch an Antipathy to *Spain*, that a Match with that Crown muſt then have been the moſt diſagreeable Thing in the World to an *Engliſhman*.

But this frightful Object being in a fair Way to be removed, the King was the more eaſily induced to call a Parliament; and Writs were ſent out for one to meet at *Weſtminſter* on the 12th Day of *February*, *Anno* 1623, or the twenty-firſt Year of this Reign, according to the Advice of the Earl of *Carliſle*, which, in a Letter, he had humbly offered to his Majeſty.

We cannot conclude this Volume better than with a Quotation from that noble Lord's Propoſal, ſo well calculated for the Honour of the Prince, and the true Intereſt of the Subject *(f)*. It runs thus:

The MEANS are, briefly, theſe Three:

'1. Let your Majeſty's Enemies ſee that the Lion hath Teeth and Claws.'

'2. Next, embrace and invite a ſtrict and ſincere Friendſhip and Aſſociation with thoſe whom Neighbourhood and Alliance, and common Intereſt of State and Religion, have joined unto you.'

'3. Laſt of all, caſt off and remove all Jealouſies which are between your Majeſty and your People.'

'Your Majeſty muſt begin with the laſt; for, upon that Foundation, you may afterwards ſet what Frame of Building you pleaſe. And when ſhould you begin, Sir, but at this Overture of your Parliament, by a gracious, clear, and confident Diſcovery of your Intentions to your People? Fear them not, Sir; never was there a better King, that had better Subjects, if your Majeſty would truſt them. Let them but ſee that you love them, and conſtantly rely upon their humble Advice and ready Aſſiſtance; and your Majeſty will ſee, how they will tear open their Breaſts to give you their Hearts; and

(*f*) Cabala, *ut ſupra*.

'*No*, I may more eaſily excuſe him, than our- Queen Elizabeth.
'ſelves; for he maketh none, but ſuch as have 1601.
'Certificates commendatory from the Juſtices of
'Aſſize. Why then, they be in Fault; for im-
'poſſible it is, my Lord-Keeper ſhould know the
'Quality and Sufficiency of them himſelf, but
'only *per Alium*, in Truſt, as by the Juſtices of
'Aſſize. No, the Gall lies not there; for they
'neither (by reaſon they are not always riding one
'*Circuit*) are well acquainted with the Natures of
'thoſe Juſtices; but when any deſireth to be a
'Juſtice, he getteth a Certificate from divers Ju-
'ſtices of the Peace in the Country, to the Juſti-
'ces of Aſſize, certifying them of their Sufficien-
'cy and Ability. And they again make their Cer-
'tificate (believing the former) to the Lord-Keep-
'er, who at the next Aſſizes, puts them into
'Commiſſion. And thus is the Lord-Keeper abu-
'ſed, and the Juſtices of Aſſize abuſed, and the
'Country troubled with a corrupt Juſtice, put in
'Authority.

'The Cauſe comes only from the Juſtices them-
'ſelves. And who be they? Even all of you here
'preſent, or moſt of us. My Suit, therefore is,
'That you will abſtain from ſuch Commendations,
'and hold your Hands from writing Iniquity, and
'doing ſo ſinful a Deed, as to commend an un-
'worthy Perſon, and not to commend a worthy
'and deſerving Subject. And I think this a Poſi-
'tion both true and public, that it is as great a Sin
'to add to the unworthy, as to detract from the
'worthy. And, Mr. Speaker, if theſe Men may
'be excepted out of the Bill, I will not only be
'ready to go, but to run forth to have ſo good a
'Law eſtabliſhed.'

Then Mr. *Townſhend* (*g*) ſhewed, 'That in
'too much Generality, there never wanted Er-
'ror. And ſo in this Bill, being too general,
'namely all from the Age of Eighteen to Sixty,
'muſt appear at Muſters, and may be preſt; no

'Ex-

(*g*) Author *of the Collections.*

Queen Elizabeth. 1601.

'Exception of any, and therefore no Profeſſion 'exempted.

'It is not unknown unto you, that by Profeſſi-'on, I am a Lawyer, and therefore, unfit to be a 'Profeſſor of the Art of War. Therefore, I 'pray, that it would pleaſe the Houſe, if they 'would commit the Bill, to commit it to be re-'turned on the laſt Day of the next Parliament; 'or elſe, that, as a worthy Gentleman (*Serjeant 'Heale*) the laſt Parliament, in a Bill of this Na-'ture moved, to have an Exception or Proviſo for 'all Serjeants; it would pleaſe you to admit of a 'Proviſo for all Lawyers.' At which the Houſe laughed heartily; and the Bill was drop'd.

Sir Francis Haſtings's Speech for reforming Abuſes.

The next Day the Speaker having taken Notice, That the Parliament was likely to end next *Saturday*, Sir *Francis Haſtings* ſtood up and ſaid, Mr. 'Speaker, 'Becauſe I ſee the Houſe at ſo good Lei-'ſure, I will be bold to remember ſome Matters 'paſſed this Parliament, and deliver my Opinion, 'with Deſire of Reformation: I mean not to tax 'any Man.

'Divers Speeches have been uſed concerning Ju-'ſtices of the Peace, ſo ſlanderous and defamatory; 'with ſo unwonted Epithets, with ſuch ſlander-'ous Definitions; a Teſtimony of Levity for the 'one, and ſcant ſound Judgment for the other.

'And therefore, I do humbly pray the Honour-'able here preſent, that thoſe Juſtices which ſerve 'religiouſly, dutifully and carefully, may be 'countenanced.

'The Church and Common Wealth are two 'Twins, which laugh and live together. Long 'have we joyed in her Majeſty's happy Govern-'ment, and long may we.

'We have two ſtrong Enemies, *Rome* and '*Spain*; from thence all our Rebellions have pro-'ceeded, and, by Treaſons hatched there, the ſa-'cred Life of our ſweet Sovereign hath been 'ſought and endangered.

'The

'The Boldneſs of the *Jeſuits*, and *Seminaries*, Queen Elizabeth, 1601.
'is greatly increaſed, and they be very diligent to
'pervert; which their often and ordinary publiſh-
'ed Pamphlets, to every Man's View, well teſti-
'fieth, and apparently ſheweth the Perverſeneſs of
'their Spirits, and Corruptneſs of their Hearts.
'And the Multitude being perverted, what Dan-
'ger this may breed to the State, and our Sovereign
'Queen, judge you.

'For my Part, I am, and will be ready to lay
'my Life at her Feet, to do her Service; we had
'need to have ſpecial Care of them, for themſelves
'do brag they have forty Thouſand true hearted
'*Catholicks* (for ſo they call them) in *England*; be-
'ſides, their Retinue, poor *Cacholicks* and *Nuters*,
'and I know not what. It is therefore fit, we
'look to this dangerous Caſe, and not to think our-
'ſelves ſecure, becauſe we find no Harm: For it
'is a true Poſition, That Security without Provi-
'dence, is moſt dangerous.

'I conclude only with this Deſire, that thoſe
'who have ſupreme Authority, will look that thoſe
'who have inferior Government, may do faithful-
'ly; and that we may be kept in Obedience.'

We have now gone through all the material Tranſactions and Debates which happened in this Parliament.

On the 19th of *December*, Her Majeſty, with divers Lord Spiritual and Temporal, being ſet in the Upper Houſe in their Parliament Robes, between Two and Three in the Afternoon, the Houſe of Commons had Notice thereof, and thereupon repaired thither with *John Crooke*, Eſq; Recorder of *London*, their Speaker, who being placed at the Rail, or Bar at the Lower End of the ſaid Upper Houſe, after he had made three Reverences to her Majeſty, ſitting under a rich Cloth of State, ſpake to this Effect following. The Speaker's Speech to the Queen at the Cloſe of the Seſſion.

'That Laws were not at firſt made with hu-
'mane Pen, but by divine Ordinance; That po-
'litick

Queen Elizabeth. 1601.

'litick Laws were made according to the evil Conditions of Men, and that all Laws ſerve not for all Times, no more than one Medicine for all Diſeaſes; if he were aſked, what were the Firſt and chiefeſt Thing to be conſidered, he would ſay, *Religion*. So Religion is all in all, for Religion breeds Devotion; Devotion breeds Zeal and Piety to God, which breedeth Obedience and Duty to the Prince, and Obedience of the Laws, which breedeth Faithfulneſs and Honeſty and Love; three neceſſary and only Things, to be wiſhed and obſerved in a well-governed Common-Wealth. And that her Majeſty by planting true Religion, had laid ſuch a Foundation upon which all thoſe Virtues were ſo planted and builded, that they could not eaſily be rooted up and extirpated. And therefore he did acknowledge that we will praiſe God and her Majeſty for it. And then he deſcended to ſpeak of Governments and Laws of Nations, among and above all which, he principally preferr'd the Laws of this Land, which he ſaid were ſo many and ſo wiſe, that there was almoſt no Offence but was met with in a law. Notwithſtanding her Majeſty [illegible] deſirous, for the Good of her Land, to call a Parliament for Redreſs of ſome old Laws, and making ſome new, her dutiful and loving Subjects having conſidered of them, have made ſome new and amended ſome old, which they humbly deſire may be made Laws by her moſt Royal Aſſent which giveth Life unto them. And ſo, after Thanks given for the Pardon, by which we dread your Juſtice and admire your Mercy, and a Prayer unto her Majeſty that ſhe would accept, as the Teſtimonies of our Love and Duty offered unto her, with a free Heart and willing Spirit, four entire Subſidies and Eight Fifteenths and Tenths, to be collected of our Lands and Livelihoods; and having craved Pardon for his Offence, if either he had forgotten himſelf in Word or Action, he ended.'

The

and having them, your Majesty is sure of their Hands and Purses. Cast but away some Crums of your Crown amongst them, and your Majesty will see those Crums will work a Miracle; they will satisfy many Thousands. Give them Assurance that your Heart was always at Home, though your Eyes were Abroad; invite them to look forward, and not backward, and constantly maintain what with Confidence you undertake, and your Majesty will find admirable Effects of this harmonious Concord. Your Majesty as the Head directing, and your People as the Hands and Feet obeying and co-operating for the Honour, Safety, and Welfare of the Body of the State. This will revive and re-unite your Friends Abroad; dismay and disappoint the Hopes of your Enemies; secure your Majesty's Person; assure your Estate; and make your Memory glorious to Posterity.'——How far this salutary Advice was followed, and what Effect it had, will be the Subject of our next Volume. An. 21 James I. 1623.

The END of the FIFTH VOLUME.